

two close and personal friends of mine, Illinois State Representative Roger T. McAuliffe, deputy majority leader of the Illinois House of Representatives, and Jack Williams, mayor of Franklin Park, I will unfortunately miss tomorrow's vote on H.R. 3396, the Defense of Marriage Act.

As member of both the House Committee on the Judiciary and its Subcommittee on the Constitution, both of which had jurisdiction over H.R. 3396, I have already twice voted in favor of the bill. Therefore, since I am not able to attend tomorrow's final consideration of H.R. 3396, it would be my intention to vote "aye" on final passage.

While I will not be present for tomorrow's vote, I have taken the necessary steps in arranging a "pair" with another member of the House who will also be absent. The pairing arrangement will offset our votes so that we may be absent without affecting the overall result. As it is customary, the name of my pair should appear in tomorrow's CONGRESSIONAL RECORD.

Mr. PACKARD. Mr. Speaker, in the history of our Country, marriage has never meant anything other than an exclusively heterosexual and monogamous institution. The fact that we have to take up legislation today to defend this precious institution is mind-boggling.

While the Defense of Marriage Act protects the rights of a State to decide for itself whether to recognize same-sex marriage entered into in a different State, we cannot ignore the larger issue—traditional family values. The very nucleus of family is marriage. Perhaps no other relation provides society with the benefits marriage does. We cannot allow the integrity of marriage to be broken down and destroyed.

We have seen throughout history, civilizations that have allowed the traditional bonds of family to be weakened—those civilizations have not survived. America has, and should always be a Nation that prioritizes traditional family values and the tradition of a one-man and one-woman marriage.

Mr. Speaker, it is time we stopped this assault on America's families and the sacred institution of marriage. I urge all of my colleagues to support this measure.

Mr. ABERCROMBIE. Mr. Speaker, today I rise to speak against H.R. 3396, the Defense of Marriage Act. The title of the bill is puzzling. What are we defending marriage against: divorce, domestic violence, adultery? Can anyone name a single married couple whose union would be strengthened or defended against harm by this legislation? With all the unresolved burning issues facing this institution, it is nothing short of incredible that we would be diverting time and energy away from questions like Medicare, the environment, and the economy on this matter.

Supporters of the bill point to what they claim is the danger of same-gender marriage. They say that if a court in Hawaii rules in favor of same-gender couples, other States will then have to give "full faith and credit" to the resulting marriages. I'm going to take this opportunity to concentrate on the traditions of our Nation, in particularly the rights of States and the Constitution of the United States. H.R. 3396 is an unnecessary intrusion into the State domain of family law. It tears at the fabric of our Constitution.

Historically, States have the primary authority to regulate marriage based upon the 10th amendment of the Constitution. The Supreme Court has supported this constitutional right. In *Aukenbrandt versus Richards*, 1992, the Court rules that "without exception, domestic relations has been a matter of state, not federal concern and control since the founding of the Republic."

It is also interesting to note that questions concerning the validity of an out-of-state marriage are generally resolved without reference to the "full faith and credit" clause of the U.S. Constitution. States traditionally recognize out-of-state marriages unless they have statutes prohibiting such a union. For example, polygamy is illegal in all States, and in most states certain incestuous marriages are illegal too. States can declare an out-of-state marriage void if it is against the state's public policy or if entered into with the intent to evade the law of the State.

Congress has invoked the "full faith and credit" clause only five times since the founding of the Republic. The three most recent instances have required each State to give child custody, child support, and protection orders of other States the same faith and credit it gives its own such orders. The Defense of Marriage Act differs in one critical aspect from the legislative enactment passed by the Congress under its full faith and credit power: H.R. 3396 permits sister States to give no effect to the laws of other States.

This is a novel and unconstitutional interpretation of the clause. According to a leading constitutional law scholar, Laurence H. Tribe, "the Constitution delegates to the United States no power to create categorical exceptions to the Full Faith and Credit Clause."

The Supreme Court just recently struck down a Colorado law that targeted gay and lesbians in *Romer versus Colorado*. This case suggests that the Supreme Court will rule legislation motivated by animus against gays and lesbians unconstitutional under the Equal Protection Clause of the 14th amendment unless the legislative classification bears a rational relationship to a legitimate State purpose. In other words, since H.R. 3396 targets a group of people due to their—in the words of Gary Bauer of the Family Research Council—"dangerous lifestyle and behavior," it is likely to be struck down by the courts. There is no dire urgency or compelling public interest to pass this measure, which is not only unnecessary but also likely to be found unconstitutional by the Supreme Court.

In addition, I find it hard to believe how many of my colleagues can justify their support of H.R. 3396 when they are also cosponsors of H.R. 2270. At least 37 Members of the House are cosponsors of both bills. H.R. 2270 would require the Congress to specify the source of authority under the U.S. Constitution for the enactment of laws. Where in article I or anywhere else in the Constitution is the Congress given authority to write a national marriage law? Maybe the sponsors of both bills don't see the contradiction. Maybe they just don't care.

Many on the other side of the aisle have been vocal and unceasing in their support for reversing the flow of power away from Washington and back to the States. Well, the laws governing marriage are traditionally and con-

stitutionally under the authority of the States. If there is any area of law to which States can lay a claim to exclusive authority, it is the field of family relations. How can someone reconcile being for States rights while at the same time taking away a basic, constitutional right given to States by the Framers of our Constitution? I strongly encourage my colleagues to allow the States to continue exercising their constitutional rights and not fan the flames of intolerance. As William Eskridge, Law Professor at Georgetown University, simply stated, "the reasons to hesitate before adopting this legislation are conservative ones: federalism, original intent and tradition."

Let us remember that the United States draws its strength from the enormous diversity to be found within the borders of our great Nation. Vote against The Defense of Marriage Act.

The CHAIRMAN. All time has expired for general debate.

Mr. CANADY of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3396) to define and protect the institution of marriage, had come to no resolution thereon.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3396, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DUNN of Washington (at the request of Mr. ARMEY) for today and the balance of the week, on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT) after 7:30 p.m. tonight, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GUTIERREZ) to revise and

extend her remarks and include extraneous material.)

Ms. NORTON, for 5 minutes, today.

(The following Member (at the request of Mr. CANADY of Florida) to revise and extend their remarks and include extraneous material.)

Mr. MCINTOSH, for 5 minutes, on July 12.

Mr. GUTKNECHT, for 5 minutes, on July 12.

Mr. EWING, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GUTIERREZ) and to include extraneous matter:)

Mr. RANGEL.

Mr. MARKEY.

Ms. DELAURO.

Mr. GIBBONS.

Mr. JACOBS.

Mr. COYNE.

Ms. KAPTUR.

Mr. DELLUMS.

Mr. ROMERO-BARCELO.

Mr. POMEROY.

Mr. LIPINSKI.

Mr. OBERSTAR.

Mr. ENGEL.

Ms. LOFGREN.

Mr. UNDERWOOD.

Mrs. MINK of Hawaii

Mr. PAYNE of New Jersey.

Mr. LEVIN.

Mr. MARTINEZ.

Mr. FIELDS of Louisiana.

Mr. LEWIS of Georgia.

Mr. GUTIERREZ.

Mr. SAWYER.

Mr. COSTELLO.

Mr. STUPAK.

The following Members (at the request of Mr. CANADY of Florida) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. DORNAN.

Mr. GILMAN in three instances.

Mr. LONGLEY.

Mr. QUINN.

Mr. HYDE.

Mr. CRANE.

Mr. FLANAGAN.

Mr. TALENT.

Mr. FOX of Pennsylvania.

Mr. COLLINS of Georgia.

Mr. BEREUTER.

Mr. EWING.

Mr. KLUG.

Mr. CUNNINGHAM.

Mr. GOODLING.

Mr. FORBES.

Mr. BLUTE.

Mr. LEWIS of Kentucky.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc.

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolls, Missouri.

ADJOURNMENT

Mr. CANADY of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 55 minutes a.m.), the House adjourned until today, Friday, July 12, 1996, at 9 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,

OFFICE OF COMPLIANCE,

Washington, DC, July 10, 1996.

Hon. NEWT GINGRICH,

Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. §1383), I am transmitting the enclosed notice of proposed rulemaking for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

RICKY SILBERMAN,

Executive Director.

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: PROPOSED AMENDMENTS TO PROCEDURAL RULES

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is publishing proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act (P.L. 104-1, 109 Stat. 3). The proposed amendments to the procedural rules have been proposed by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this Notice in the Congressional Record.

Addresses: Submit written comments (an original and ten copies) to the Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540-1999. Those wishing to receive notification of receipts of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224-2705.

SUPPLEMENTARY INFORMATION

I. Background

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law

on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance ("Office") shall, subject to the approval of the Board of Directors ("Board") of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 CONG. R. S19239 (daily ed., Dec. 22, 1995)). The proposed revisions and additions that follow amend certain of the existing procedures by which the Office provides for the consideration and resolution of alleged violations of the laws made applicable under Part A of title II of the CAA, and establish procedures for consideration of matters arising under Part D of title II of the CAA, which is generally effective October 1, 1996.

A summary of the proposed amendments is set forth below in Section II; the text of the provisions that are proposed to be added or revised is found in Section III. The Executive Director invites comment from interested persons on the content of these proposed amendments to the procedural rules.

II. Summary of Proposed Amendments to the Procedural Rules

(A) A general reorganization of the rules is proposed to accommodate proposed new provisions, and, consequently, to re-order the rules in a clear and logical sequence. As a result, some sections will be moved and/or re-numbered. Cross-references in appropriate sections will be modified accordingly. These organizational changes are listed in the following comparison table.

	Former section No.	New section No.
\$2.06	Complaints	\$ 5.01
\$2.07	Appointment of the Hearing Officer	\$ 5.02
\$2.08	Filing, Service and Size Limitations of Motions, Briefs, Responses and Other Documents	\$ 9.01
\$2.09	Dismissal of Complaint	\$ 5.03
\$2.10	Confidentiality	\$ 5.04
\$2.11	Filing of Civil Action	\$ 2.06
\$8.02	Compliance with Final Decisions, Requests for Enforcement	\$ 8.03
\$8.03	Judicial Review	\$ 8.04
\$9.01	Attorney's Fees and Costs	\$ 9.03
\$9.02	Ex Parte Communications	\$ 9.04
\$9.03	Settlement Agreements	\$ 9.05
\$9.04	Revocation, Amendment or Waiver of Rules	\$ 9.06

(B) Several revisions are proposed to provide for consideration of matters arising under section 220 (Part D of title II) of the CAA, which applies certain provisions of chapter 71 of title 5, United States Code relating to Federal Service Labor-Management Relations ("chapter 71"). For example, technical changes in the procedural rules will be necessary in order to provide for the exercise by the General Counsel and labor organizations of various rights and responsibilities under section 220 of the Act. These proposed revisions are as follows:

Section 1.01. "Scope and Policy" is proposed to be amended by inserting in the first sentence a reference to Part D of title II of the CAA in order to clarify that the procedural rules now govern procedures under that Part of the Act.