Mr. Speaker, I am troubled that we are wasting floor time to discuss this issue today. At a time when there are many more pressing matters needing to be discussed and deserving of debate, we are considering ''The Marriage Protection Act,'' a classic example of an election year wedge issue designed for maximum political impact. I implore the House to consider the full implications of this legislation and urge its defeat.

Mr. HONDA. Mr. Speaker, I rise today in strong opposition of the measure before us, H.R. 3313.

Many of my colleagues on this side of the aisle are lawyers by training and they have given us an excellent analysis of the legal problems with this bill.

They have pointed out that by denying the Supreme Court its role as the final authority on the constitutionality of federal laws, the bill unnecessarily and unconstitutionally usurps the Supreme Court's power.

Mr. Speaker, I am not a lawyer. I am a teacher by training and even without the benefit of legal training, I can see the unfairness of this court stripping bill.

What this bill is trying to do is change the rules of the game, only in this case the rules we are talking about are fundamental principles imbedded in our Constitution.

If I were to ask a class of elementary school kids whether they thought it was fair to change the rules so that a federal law, passed by Congress and signed by the President did not have to face the scrutiny of our federal courts—they would all be scratching their heads. They would ask me, ''what about the idea of checks and balances?''

If I mentioned this scenario to some Junior High students they would simply say, ''we see what you are doing, you're rigging the system.'' Teens can be a lot more cynical.

Mr. Speaker, this is not a matter of protecting marriage, it's about protecting the sanctity of separation of powers—and you don't have to be a lawyer to see that.

Mr. STUPAK. Mr. Speaker, I take very seriously my oath of office to the U.S. House of Representatives.

In it, I swear to ''always protect and defend the Constitution of the United States . . . so help me God.''

I will be doing just that when I vote against H.R. 3313. This bill, which strips the courts of their right—and obligation—to hear challenges to federal law, is a direct attack on our U.S. Constitution.

I have long been a supporter of the Defense of Marriage Act that Congress passed in 1996.I believe that marriage should be defined as a union between a man and woman.

Despite my support for DOMA—we cannot as Members of Congress, knowingly vote for legislation that undermines the clearly stated separation of powers between the three branches of government as outlined in the Constitution. This separation of power between the legislative, executive and judicial branches serves as the foundation of our democracy and our system of government.

If we fail today to ''support and defend'' the Constitution, what's next? This legislation sets a terrible precedent!

Will Congress prevent the federal courts, including the Supreme Court, from interpreting civil rights, worker or religious rights laws? Will the courts next be blocked from reviewing actions of the executive branch?

Do we really want to head in a direction where the Constitution and courts reflect only on the political views of the political party that controls the U.S. House, Senate and the Presidency?

I will not use my constituents' vote in the U.S. House of Representatives to undermine our Constitution for blatant election-year politics. And election-year politics is the only reason why this misguided legislation is on the floor. It is truly shameful, as this legislation undermines the integrity and the moral authority of this legislative body to the American people.

Vote ''no'' on H.R. 3313.

Mr. WELDON of Florida. Mr. Speaker, I support H.R. 3313, The Marriage Protection Act. This bill prevents unelected, lifetime-appointed federal judges from striking down the provision of the Defense of Marriage Act. The Defense of Marriage Act overwhelmingly passed in the House and the Senate and was signed into law by President Clinton in 1996.

H.R. 3313 simply provides that cases involving the section of Defense of Marriage Act—that protects states' rights—must be brought in state court. This brings valuable protection to the states and ensures that one state does not have to recognize a same sex marriage granted by another state.

It also keeps federal courts from forcing states to recognize same-sex marriages that other states, such as Massachusetts, have legalized.

This bill is a good first step, but what is ultimately needed in order to protect time-honored, traditional marriage is an Amendment to the U.S. Constitution. Unfortunately, the Senate failed to pass this amendment last week. That vote was 48 to 50, with Senators JOHN KERRY and JOHN EDWARDS failing to vote. It fell short of the number needed to ensure passage so that the American people could consider a Constitutional Amendment.

My constituents in Florida, and the majority of the American people, do not agree with a hand full of activist judges and courts that are redefining marriage in America. They do not agree with the demands of four unelected members of Massachusetts State Supreme Court who have overturned the laws of the State of Massachusetts and sanctioned same sex marriages.

A family headed by a mother and a father has been a basic building block of society for thousands of years, and it is imperative that its integrity be successfully protected from those who wish to re-define marriage by trying to equate other relationships to that of traditional marriage between one man and one woman.

Mr. Speaker, I urge passage of H.R. 3313.

Mr. PAUL. Mr. Speaker, as an original cosponsor of the Marriage Protection Act (H.R. 3313), I urge all my colleagues to support this bill. H.R. 3313 ensures federal courts will not undermine any state's laws regulating marriage by forcing a state to recognize same-sex marriage licenses issued in another state. The Marriage Protection Act thus ensures that the authority to regulate marriage remains with individual states and communities, which is what the drafters of the Constitution intended.

The practice of judicial activism—legislating from the bench—is now standard procedure for many federal judges. They dismiss the doctrine of strict construction as outdated and, instead, treat the Constitution as fluid and malleable to create a desired outcome in any given case. For judges who see themselves as social activists, their vision of justice is more important than the letter of the law they are sworn to interpret and uphold. With the federal judiciary focused more on promoting a social agenda than on upholding the rule of law, Americans find themselves increasingly governed by judges they did not elect and cannot remove from office.

Consider the Lawrence case decided by the Supreme Court last June. The Court determined that Texas has no right to establish its own standards for private sexual conduct, because these laws violated the court's interpretation of the 14th Amendment. Regardless of the advisability of such laws, the Constitution does not give the federal government the authority to overturn these laws. Under the Tenth Amendment, the State of Texas has the authority to pass laws concerning social matters, using its own local standards, without federal interference. But, rather than adhering to the Constitution and declining jurisdiction over a state matter, the Court decided to stretch the ''right to privacy'' to justify imposing the justices' vision on the people of Texas.

Since the Lawrence decision, many Americans have expressed their concern that the Court may next ''discover'' that state laws defining marriage violate the Court's wrongheaded interpretation of the Constitution. After all, some judges may simply view this result as taking the Lawrence decision to its logical conclusion.

One way federal courts may impose a redefinition of marriage on the states is by interpreting the full faith and credit clause to require all states, even those which do not grant legal standing to same-sex marriages, to treat as valid a same-sex marriage licenses from the few states which give legal status to such unions as valid. This would have the practical effect of nullifying state laws defining marriage as solely between a man and a woman, thus allowing a few states and a handful of federal judges to create marriage policy for the entire nation.

In 1996, Congress, exercised its authority under the full faith and credit clause of Article IV of the United States Constitution by passing the Defense of Marriage Act that ensured each state could set its own policy regarding marriage and not be forced to adopt the marriage policies of another state. Since the full faith and credit clause grants Congress the clear authority to ''prescribe the effects'' that state documents such as marriage licenses have on other states, the Defense of Marriage Act is unquestionably constitutional. However, the lack of respect federal judges show for the plain language of the Constitution necessitates congressional action to ensure state officials are not forced to recognize another state's same-sex marriage licenses because of a flawed judicial interpretation of the full faith and credit clause. The drafters of the Constitution gave Congress the power to limit federal jurisdiction to provide a check on out-of-control federal judges. It is long past time we begin using our legitimate authority to protect the states and the people from ''judicial tyranny.''

Since the Marriage Protection Act only requires a majority vote in both houses of Congress and the President's signature to become law, it is a more practical way to deal with this issue than the time-consuming process of passing a constitutional amendment. In fact, since the Defense of Marriage Act overwhelmingly passed both houses, and the President

supports protecting state marriage laws from judicial tyranny, there is no reason why the Marriage Protection Act cannot become law this year.

Some may argue that allowing federal judges to rewrite the definition of marriage can result in a victory for individual liberty. This claim is flawed. The best guarantor of true liberty is decentralized political institutions, while the greatest threat to liberty is concentrated power. This is why the Constitution carefully limits the power of the federal government over the states. Allowing federal judges unfettered discretion to strike down state laws, or force a state to conform to the laws of another state, in the name of liberty, leads to centralization and loss of liberty.

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, not the day they received their marriage license, thus being joined in the eyes of the state. Having federal officials, whether judges, bureaucrats, or congressmen, impose a new definition of marriage on the people is an act of social engineering profoundly hostile to liberty.

Mr. Speaker, Congress has a constitutional responsibility to stop rogue federal judges from using a flawed interpretation of the Constitution to rewrite the laws and traditions governing marriage. I urge my colleagues to stand against destructive judicial activism and for marriage by voting for the Marriage Protection Act.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 3313, the Marriage Protection Act. As a cosponsor of this important legislation, I thank Chairman SENSENBRENNER and the leadership for bringing it to the House floor.

H.R. 3313 prohibits any federal court, including the Supreme Court, from hearing challenges to a key provision of the Defense of Marriage Act (DOMA), which will preserve the rights of states to not recognize same-sex unions permitted in other states. I support this limitation of federal court jurisdiction in this area.

I would like to point out, however, that H.R. 3313 does not address the current situation in Nebraska.

In 2000, seventy percent (70 percent) of Nebraska voters approved a state constitutional amendment defining marriage as ''one man, one woman''—and barring civil unions or domestic partnerships. The ACLU is currently challenging this amendment in federal district court. In a preliminary ruling, the federal district judge (Judge Bataillon) indicated sympathy with the ACLU's claim.

As I understand it, H.R. 3313 would not prevent federal courts from striking down state provisions, such as the one approved by Nebraska voters.

For that reason, an amendment to the U.S. Constitution may be required to further protect state statutes and constitutional amendments from challenge in the federal courts. While I will vote for this legislation, it is becoming increasingly clear to me and many of my colleagues that further action may be required by the Congress to protect and defend traditional marriage in America.

Mr. MEEK of Florida. Mr. Speaker, I rise today to voice strong objections to H.R. 3313, the so called Marriage Protection Act. This Act prohibits federal courts, including the Supreme Court of the United States, from hearing cases on the constitutionality of provisions of the Defense of Marriage Act, including those relating to same-sex marriage licenses.

This bill is phony, and it is a sham. The title of the bill itself is false advertising. While claiming to ''protect'' marriage, all the bill does is strip federal courts of jurisdiction so that they cannot even consider whether laws on same-sex marriages are consistent with our United States Constitution. For over 200 years, our Constitution has defined our nation and protected our rights. It is a document of empowerment, not limitation. But the Republican leadership wants to put a fence around it and padlock the gate, and they are doing it for purely political purposes.

The United States Congress should not be in the business of stripping federal courts of their ability to hear particular cases. Such actions, if imposed in the 1960's, could have been used to prevent federal courts from hearing voting rights cases. To limit the power of the courts like this for purely partisan purposes sets a dangerous precedent and is simply intolerable. It would undermine the independence of the judicial branch and run contrary to the vision set forth by our founding fathers in the Constitution.

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.

It is simply unfair to deny law-abiding American citizens the protections of civil law with respect to taxation, inheritance, hospital visits and the like, and it is wrong to shackle the federal courts by preventing them from even considering court cases pertaining to these matters.

For these reasons, I urge my colleagues to defeat this bill.

Mr. HOLT. Mr. Speaker, I rise in opposition to H.R. 3313, which would prevent federal courts from hearing cases related to provisions of the Defense of Marriage Act (DOMA) that allow states to refuse to recognize same-sex marriage licenses issued in other jurisdictions.

The Constitution—perhaps the greatest invention in history—has been the source of our freedom in this great country for more than two centuries. The framework of government it established has allowed our diverse people to live together, to balance our various interests, and to thrive. It has provided each citizen with broad, basic rights.

The judiciary was designed to be the one branch of the federal government that is not influenced or guided by political forces. This independent nature enables the judiciary to thoughtfully and objectively review laws enacted by the legislative branch to ensure that Federal law is in line with the Constitution. Throughout the development of our nation, this check has been vital to protecting the rights of minorities.

The legislation that we are considering today is a political measure that will threaten this precious system of checks and balances. Although the Constitution gives Congress the power to limit the jurisdiction of the Federal judiciary and the appellate jurisdiction of the Supreme Court, I am certain that the founding fathers did not intend for Congress to use this power to change the jurisdiction of the courts over a political issue. This legislation will set a dangerous precedent that Congress can deny the judicial branch the right to review specific pieces of legislation simply because Congress is concerned that the judiciary will find the legislation unconstitutional. This is a clear misuse of Congressional authority and it is a misguided attempt to legislate on a controversial social issue.

In addition to undermining the authority of the judiciary, H.R. 3313 would deprive a minority population—gay men and women—of basic freedoms. This bill would limit their right to due process by barring individuals from challenging the constitutionality of DOMA. Congress should not limit an individual's ability to seek redress in the court system simply because some Members object to the sexual orientation of others.

And if that is not bad enough, H.R. 3313 would set a pattern that would cause unimaginable harm. Today its gay men and women, tomorrow laws dealing with any other area would be exempted for judicial review.

Altering the framework of our government and restricting access to the courts is not the appropriate way to resolve a divisive political issue. I urge my colleagues to vote against this legislation.

Mr. JONES of North Carolina. Mr. Speaker, I am here today with my colleagues in support of H.R. 3315, the Marriage Protection Act. I represent the people of the 3rd Congressional district of North Carolina, a district that has asked me to support and protect the sanctity of marriage between man and woman. Let me read just a small part of a pastoral letter by Bishop Sheridan of Colorado as he explains the history behind our tradition of marriage: ''Every civilization known to mankind has understood marriage as the union of a man and a woman . . . no one can simply redefine marriage to suit a political or social agenda. Once again, we must be clear about this matter. The future of our world depends upon the