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