

Designating money when it is above and beyond what is needed is nothing more than a gratuitous earmark. Now, I am in favor of earmarks; I'm just not in favor of trying to trick the public. I believe that earmarks are right. It is our constitutional responsibility as Members of the House. But tricking the public by adding \$8 billion more is obscene.

PROPOSED SNAP PROGRAM CUTS

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

Mr. GRIJALVA. Mr. Speaker, at a time when the Republican majority has, in another wasted effort, repealed health care reform for the 33rd time, at a time when we will not see on this floor a vote to extend tax cuts for the middle class, now the Republican majority is planning to literally take food out of the mouths of families and children by cutting \$16.5 billion from the SNAP program in the farm bill.

This represents 45 percent of all the cuts, immediately cuts 3 million families and children from the program, and this is at a time when one in seven American families depend on some supplemental food assistance.

But as the Republican majority fiddles away, we know that there is a crisis. Fifty-eight percent of all food bank clients currently receiving SNAP benefits need assistance from them. The resulting demand to food banks will put additional pressure on our communities and on families.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments a bill of the following title in which the concurrence of the House is requested:

H.R. 1627. An act to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5856, and that I may include tabular material on the same.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 717 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5856.

Will the gentleman from California (Mr. DENHAM) kindly take the chair.

□ 1245

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes, with Mr. DENHAM (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, July 18, 2012, the amendment offered by the gentleman from Iowa (Mr. KING) had been disposed of, and the bill had been read through page 153, line 15.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used in contravention of section 7 of title 1, United States Code.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, this is the DOMA limitation amendment. We've seen this last year where it passed out of the House of Representatives with a substantial vote. And it says, as it reads, that none of the funds made available by this act may be used in contravention of the Defense of Marriage Act, which passed here in this Congress in 1996.

What we've seen since the passage of the Defense of Marriage Act is an effort on the part of the executive branch to undermine, I believe, marriage between one man and one woman within our military ranks.

We saw the President of the United States make some statements along the way that his position was evolving on marriage that seemed to be a signal to the Department of Defense, which issued two memoranda, one of them on September 21, the Secretary of Defense memorandum that identified facilities, and it says that the facilities, our military facilities should be made, the use of them should be made on a sexual orientation-neutral basis. That's a signal that says same-sex marriages on U.S. military bases and U.S. facilities.

The second memorandum came 9 days later to our military chaplains, and it says a military chaplain may officiate any private ceremony, on or off a military installation. That's not just permission, that's implied encouragement to conduct same-sex marriages on our military bases, conducted by our chaplains who are, presumably, all under the payroll of the United States Government.

This same-sex marriage that has been taking place on our military bases, where otherwise legal around

the world, contravenes the Defense of Marriage Act. The Defense of Marriage Act means this, actually says specifically this: marriage means only a legal union between one man and one woman, as husband and wife, and the word spouse refers only to a person of the opposite sex who is a husband or a wife. Pretty simple statute being contravened by the directives of the President of the United States as exercised through the Secretary of Defense.

And I would point out that the President has demonstrated disrespect for the Constitution and the rule of law on multiple occasions. I just came from the Judiciary Committee, where I reminded Secretary Napolitano of the same thing.

Congress directs and acts within the authority of article I of the Constitution, our legislative authority, and the President of the United States, or his executives who are empowered by him, seek to undermine the law of the United States, instead of coming here to this Congress and asking for the law to be changed, or simply accepting the idea that they've taken an oath to uphold the Constitution of the United States and the rule of law, and to take care, under article II, section 3, that the laws be faithfully executed.

That's not happening, Mr. Chairman, and this amendment prohibits the use of military facilities, or the pay of military chaplains, from being used to contravene the Defense of Marriage Act. The President has now stepped out and said that he supports same-sex marriage in the United States. That is, apparently, the most recent evolution of his position.

□ 1250

But an evolving position of the President of the United States cannot be allowed to contravene the will of the people of the United States, as expressed through the statutes of the United States and as signed by previous President Bill Clinton in September of 1996.

So I urge the adoption of this amendment. It prohibits the utilization of any of these funds that are in the Defense appropriations bill to be used to contravene the Defense of Marriage Act.

I yield back the balance of my time.

UNDER SECRETARY OF DEFENSE,
Washington, DC, September 30, 2011.

MEMORANDUM FOR SECRETARIES OF
THE MILITARY DEPARTMENTS—
CHIEFS OF THE MILITARY SERVICES
SUBJECT: Military Chaplains

In connection with the repeal of Section 654 of Title 10 of the United States Code, I write to provide the following guidance, which hereby supersedes any Department regulation or policy to the contrary:

A military chaplain may participate in or officiate any private ceremony, whether on or off a military installation, provided that the ceremony is not prohibited by applicable state and local law. Further, a chaplain is not required to participate in or officiate a private ceremony if doing so would be in variance with the tenets of his or her religion or personal beliefs. Finally, a military