

112TH CONGRESS  
1ST SESSION

# S. CON. RES. 11

Expressing the sense of Congress with respect to the Obama administration's discontinuing to defend the Defense of Marriage Act.

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IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 5), 2011

Mr. INHOFE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

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## CONCURRENT RESOLUTION

Expressing the sense of Congress with respect to the Obama administration's discontinuing to defend the Defense of Marriage Act.

Whereas, on February 23, 2011, President Barack Obama ordered the Department of Justice to drop its defense of a central part of the 1996 law that bars the Federal Government from recognizing same-sex unions, the Defense of Marriage Act (adding section 7 of title 1, United States Code), and both President Obama and Attorney General Eric Holder concluded the law is unconstitutional;

Whereas President Obama himself has said that marriage is something sanctified between a man and a woman;

Whereas, passed by significant majorities in both chambers of Congress and signed into law by President Bill Clinton,

the Defense of Marriage Act has never been overturned in any Federal lawsuit challenging that Act's constitutionality by a Federal court, yet the Department of Justice has decided not to defend that Act in Federal court;

Whereas, on the contrary, the Department of Justice is vigorously defending in numerous Federal courts across the country President Obama's signature health care reform law, the Patient Protection and Affordable Care Act (Public Law 111-148), and the related Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), after the bills involved barely passed both chambers of Congress on party line votes, and whose critical individual mandate provision has been declared unconstitutional by separate Federal district courts in the cases of *Florida v. United States Department of Health and Human Services*, Case No.: 3:10-cv-91-RV/EMT (N.D. Fla., Jan. 31, 2011), and *Virginia ex rel. Cuccinelli v. Sebelius*, 728 F. Supp. 2d 768 (E.D. Va. 2010); and

Whereas the vast majority of Americans believe that marriage should continue to be what it always has been—the legal and spiritual union between one man and one woman: Now, therefore, be it

1        *Resolved by the Senate (the House of Representatives*  
2 *concurring)*, That Congress—

3            (1) condemns the Obama administration's di-  
4            rection that the Department of Justice should dis-  
5            continue defending the Defense of Marriage Act; and

1           (2) demands that the Department of Justice  
2           continue to defend the Defense of Marriage Act in  
3           all instances.

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