

opponents of DOMA ammunition to challenge it in court.

But in order to challenge DOMA, plaintiffs need standing to sue. That was accomplished a month ago when the Massachusetts Supreme Judicial Court decision set the stage for a constitutional challenge. There is no doubt if couples start getting married in Massachusetts on May 17, as planned, they will move back to their home States where they will demand that their union be recognized and accepted.

When their States refuse to embrace this new arrangement under the Federal DOMA or one of 39 other "little DOMAs," then there will probably be a challenge to the State or Federal DOMA. It would not be difficult to imagine many Federal courts, including the Supreme Court, using legal precedents and their own personal belief to rule on DOMA's constitutionality.

Let me be clear. As we stand now, DOMA prevents same-sex marriages from being imposed on the individual States. Of course since no State enacted same-sex marriages, there has been no explicit challenge to DOMA. There was a Federal tax evasion case in 2002 in which the defendant claimed that he and his domestic partner were "economic partners" who should be afforded filing status equivalent to that of a married couple and argued that DOMA was unconstitutional. But since the defendant did not even try to have his same-sex union recognized as a marriage under State law, and since DOMA was not even in effect when the defendant was scamming the Federal Government, this argument was not even considered by the court. But as they say on Wall Street, "Past performance is no guarantee of future results."

Lawsuits will continue to be filed, and State laws defining marriage as being between a man and woman will continue to be mocked and ignored by public officials, judges, and bureaucrats. Look at what has happened in San Francisco, New York City, Oregon, New Mexico and many other places over the last month or so. The blatant disregard for the rule of law is astonishing.

These events and rulings over the last few years have compelled many of my colleagues and I, and the administration, to seriously consider the proposed constitutional amendment to our Constitution defining marriage as being between a man and a woman. I have chosen to cosponsor this legislation. We passed DOMA. Thirty-nine States have enacted their own Defense of Marriage Act. The vast majority of Americans oppose gay marriage and do not want such an arrangement forced upon them. We have tried every legal and political avenue possible, but 8 years since DOMA was passed has shown us now that a constitutional amendment may be a better and another way to protect the sanctity of marriage.

#### LOOMING SOCIAL SECURITY CRISIS

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, a couple very important events are happening today that significantly impact our kids and our grandkids. One is the budget that we are passing. Although it is the best budget, the leanest budget, that we have passed since 1996, this budget still grows overall at about twice the rate of inflation.

If we project that out, to the future and government grows at twice the rate of inflation, eventually we are going to have a government that is much larger relative to our economy and GDP. The other event that has just happened today is the actuaries at the Social Security Administration have released their report on what is going to happen to Social Security. It is not good news in the actuarial report of Social Security. It confirms that Social Security is going broke; less money is coming in than is needed to pay benefits 12 years from now.

We continue in this body and across the Capitol in the Senate and the White House to increase our promises of what we are going to provide to people in the future; These are unfunded liabilities when it is not paid for. So our increased borrowing, how much our deficit spending is; how much we overspend in 1 year, how much we have to borrow in 1 year to accommodate that spending adds up to debt. The debt is a sum of all of the deficit spending. Our deficit is now over \$7 trillion, and so we are going to have to vote again to increase the debt limit.

I brought this chart to show what has happened in the history of the United States when Social Security faces problems of less money coming in than is needed to pay benefits.

This is what has happened on the increase in taxes to accommodate the increased spending, and that is what I am suggesting today. If we do nothing, if we do not deal with this problem, if we do not look at the actuarial report of the huge burden of unfunded liabilities that are facing our kids and grandkids, then I think maybe, for lack of a better word, it is unconscionable.

Just for a moment, in 1940 the rate was 2 percent on the first \$3,000. By 1960, we needed more money, so what did the government do, raise it to 6 percent. In 1980, it was raised to over 10 percent on the first \$26,000; in 2000, 12 percent of the first \$76,000; and now it is 12.4 percent of \$87,900.

□ 1245

When government has needed a little more money, what we have done is increased taxes on working Americans. We have got to change from a program of fixed benefits over the next 60 years to a program of fixed contributions. Almost every other State has done that.

To fix this around the edges simply puts off the problem to a future date and a future generation, which again I suggest is unfair.

For everybody that is interested, I suggest that you take the time, look at the Web site of the actuarial report from the Social Security Administration, and I will just say it, [www.ssa.gov/OACT/TR](http://www.ssa.gov/OACT/TR). That report says that the severe long-term consequences are enormous without action.

I compliment President Bush for saying that we have got to move ahead on this, that we have got to have a bipartisan group come to grips and understand the enormity of this problem of Social Security. It is a program that has been developed, that now we have 80 percent of our population that are retired that depend on Social Security benefits for 90 percent or more of their total retirement income. It needs to be fixed.

It is not fair for this Chamber to demagogue the issue and simply go into this election year trying to scare seniors. If they listen to some other party of a proposed solution to Social Security that it is going to ruin their Social Security.

I guess what I am trying to say is, I ask every voter, Mr. Speaker, to go and ask the candidates for President, to ask every candidate for the United States Senate, to ask every candidate for the U.S. House of Representatives what proposal have you introduced, what proposal have you signed on to as a cosponsor that is going to make sure that we keep Social Security solvent.

#### RECESS

The SPEAKER pro tempore (Mr. KING of Iowa). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, we call upon Your holy name in prayer. To take time for prayer helps us focus on Your presence in our midst.

Prayer does not make You present, for You are the Almighty, the ever-present, far beyond us and our imagining. You hold everyone and everything in Your creative hand, redeeming every minute for the people of Your covenant and of Your communion.

By being mindful and presenting ourselves to You, we state our desire that

You bless all in this assembly and in this Nation. We open our minds to the possibility of Your goodness manifested throughout the activities of this day. We open our hearts to receive the love, loyalty, virtue, and collaboration of one another.

In this way You strengthen, with lasting effect, all our labor and You fortify this union, both now and hopefully forever. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mrs. BIGGERT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. BIGGERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 97. Concurrent Resolution recognizing the 91st annual meeting of The Garden Club of America.

The message also announced that pursuant to Public Law 108-199, the Chair, on behalf of the Democratic Leader, appoints the following individuals to serve as members of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission—

Leo J. Hindery, Jr. of New York; and Gayle E. Smith of Washington, D.C.

The message also announced that pursuant to section 104(c)(1)(A) of Pub-

lic Law 108-199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program:

Ms. Christine Vick of Washington, D.C.

#### YOU CANNOT HAVE IT BOTH WAYS

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

Mr. PITTS. Mr. Speaker, recently, a Democrat candidate for President was asked about his vote against the \$87 billion that went to support our troops in Iraq and to build schools and hospitals for the Iraqi people. He said this: "I voted for it before I voted against it."

This rhetoric is so typical of many who want to have it both ways. They vote to give President Bush the authority to send American troops into Iraq, to oust one of the most brutal dictators in history and a supporter of terrorism around the world; but now they say we never should have gone to Iraq, that it was unjustified that the President acted unilaterally.

The fact is, on October 10, 2002, a bipartisan majority in this body voted to authorize the use of force in Iraq. And then, in October of last year, we voted to supply our troops on the front lines. Unfortunately, many of the same people who voted to send our men and women off to war then voted against them when the time came to give them the resources they needed to do their job and get home safe. You cannot have it both ways, Mr. Speaker.

#### HONORING LIEUTENANT COLONEL BOB ZANGAS

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

Mr. MURPHY. Mr. Speaker, on behalf of a grateful Nation, we honor a man today who recently lost his life while serving our country.

Bob Zangas of Level Green, Pennsylvania, first went to Iraq as a Marine and later returned as a civilian to help rebuild that country. He described a land that "is in desperate need of everything," where he felt he "was pouring a cup of water out into a dry desert," but believing some day it would make flowers grow.

He lived on a hope that he made a difference, and he did. Americans and Iraqis alike mourn his passing, but celebrate his accomplishments. His wife, Brenda, described him as a true patriotic American, humanitarian, and Marine, and, foremost, a father and husband.

He closed one of his last letters with a challenge to "hang on to your dreams," and that is just what he did to the very end. It is a dream of compassion. It is a dream of freedom. And for that, the whole world is grateful.

Thank you, Lieutenant Colonel Bob Zangas. We shall hold on to our dreams.

#### STOP THE GAS TAX INCREASE

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in opposition to recent proposals to raise the Federal gas tax. As the former chairman of the South Carolina State Senate Transportation Committee, I know that raising taxes on America's families is not the proper answer to building a better road system.

The gas tax is a regressive tax that affects low-income Americans disproportionately. The revered Heritage Foundation recently noted that analysis shows that increasing the gas tax would depress economic activity and the incomes of millions of Americans. It would also significantly raise less revenue than its proponents project.

Instead of raising the burden on overtaxed American families, we should better manage taxpayers' money. Millions of dollars are diverted every year on low-priority roadside enhancements that are not urgent safety matters. Also, we should repeal Davis-Bacon. As the Nonpartisan Americans For Tax Reform has noted, transportation costs would decrease by an estimated 8 to 30 percent if Congress would remove the Davis-Bacon prevailing wage requirement.

I ask all of my colleagues to oppose any attempt to raise the gas tax on American families.

In conclusion, may God bless our troops, and we will never forget September 11.

#### LESSON IN CONNECTING THE DOTS

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

Mr. BURGESS. Mr. Speaker, yesterday as the basketball games concluded, I was not quick enough to the TV dial; and I was exposed to a 20-minute commercial that was passed off as a news interview.

We are told a lot these days about connecting the dots, and I just want to help people connect the dots just a little bit.

Mr. Clark, Mr. Dick Clark, Richard Clark was on the CBS news show "60 Minutes." CBS, as we learned during the Super Bowl last year after the half-time show, is owned by Viacom. The publisher of the Clark book is owned by Simon and Shuster. Simon and Shuster, according to their Web site, is the publishing operation of Viacom, Incorporated, one of the world's premier media companies.

Mr. Speaker, Mr. Clark closed his interview with a comment which actually should have been first. He said, all