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No. 37

## House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. KING of Iowa).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
March 23, 2004.

I hereby appoint the Honorable STEVE KING to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

### COMPETING VISIONS

Mr. DELAY. Mr. Speaker, this week the House will take up the budget resolution for fiscal year 2005. This is the document that will set the terms for much of the national debate in this very pivotal year. Issues as unrelated as tax cuts and homeland security, law enforcement and space exploration, and the deficit and the international democracy and diplomacy will all be affected by this budget.

Anyone who believes there are no real differences between the two parties should watch this week's debate, read the competing budget proposals,

and see how stark these differences really are.

The Republican budget is built on the principles of strength, growth, and opportunity. To secure our Nation and win the war on terror, it increases defense spending by 7 percent; it provides for more than \$33 billion in non-military homeland security initiatives to fund America's first responders, law enforcement officers and the every day heroes who keep our communities safe.

The Republican budget will provide the framework by which Congress can help maintain the economic recovery. It will protect the economy from targeted snap-back tax increases on parents, married couples, and the working class. Our budget will anchor Federal spending by freezing all nonsecurity discretionary spending growth giving the economy breathing room to grow, create jobs, and cut the deficit.

Finally, Mr. Speaker, the budget will meet all our domestic needs, from health care and education to welfare reform and veterans benefits without leaving any priority behind. The Republican budget speaks clearly to the issues facing our Nation this year.

And to their credit, so does the Democrat's budget. Unfortunately, their budgets, while clear, are just wrong. In not one budget, but in three separate budgets, the minority party will propose job-killing tax increases, more spending, and bigger government as the solutions to our Nation's problems.

The differences between the parties' visions could not be more clear. Democrats trust government, and Republicans trust the American people. This week we will see which vision prevails in this debate and in the minds of the American people.

### DEFENSE OF MARRIAGE ACT

The SPEAKER pro tempore. Pursuant to the order of the House of Janu-

ary 20, 2004, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, it has been nearly 8 years since Congress overwhelmingly passed the Defense of Marriage Act in 1996. DOMA, as it is called, passed the Senate by a vote of 85-14 and the House by a vote of 342-67. I was honored to have cosponsored and vote for final passage of this bipartisan legislation which President Clinton signed into law.

We passed DOMA in response to a State court decision because we were concerned that activist judges in Hawaii would force 49 other States to accept gay marriages. We clarified the full faith and credit clause to mean that States do not need to recognize same-sex marriages performed and validated in other States.

At the time, DOMA was a reasonable response to a real problem. Nobody wanted a handful of judges overturning the will of the individual States and millions of American citizens. DOMA relied on the principle of federalism to defend States rights and to preserve the sanctity of marriage. It was a perfect match.

But several momentous events occurred in the next few years which have put DOMA in a difficult light. In 1997 and 2003, the U.S. Supreme Court overturned two duly enacted States' laws regarding homosexuals. In the Lawrence case, the Court even went so far as to overturn one of its previous decisions. More recently, the Supreme Court and other Federal courts have even blatantly disregarded the 2000 Dale decision which gave the Boy Scouts the right to exclude avowed homosexuals from positions of leadership.

In Vermont, the State Supreme Court ordered the State legislature to provide the benefits of marriage to gay couples. Finally, gay marriages have been legalized in several Canadian provinces. These decisions have given

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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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. 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.

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#### 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.

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□ 1400

#### AFTER RECESS

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

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#### 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