

the difference and embody the true spirit of the American people, which is to help out our fellow man in times of trouble.

In May, the American Red Cross will turn 125 years old. This organization, while having its roots firmly steeped in the past, is eagerly looking towards the future and overcoming the challenges that come our way. I have confidence they will succeed. The Red Cross is a vehicle for the common American to help their neighbor and that spirit will never fade. I commend the Red Cross for serving the United States and its international neighbors for 125 years.

PERSONAL EXPLANATION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mrs. MUSGRAVE. Mr. Speaker, I was unavailable on the evening of Tuesday, March 28, 2006, and as a result, was not able to cast my vote on rollcall vote 69. The matter under consideration was passage of the Milk Regulatory Equity Act, S. 2120.

Mr. Speaker, had I been present, I would have recorded my vote on rollcall vote 69 as "yea" in support of passage for S. 2120, the Milk Regulatory Equity Act.

TRIBUTE TO A FALLEN SOLDIER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. BILIRAKIS. Mr. Speaker, I would like to pay tribute to a fallen soldier from the Ninth Congressional District of Florida. Army Sergeant Michael D. Rowe, from New Port Richey, Florida, was killed by a roadside bomb in Rutbah, Iraq. His death came just before his 24th birthday.

Michael's decision to join the military demonstrates his dedication and service to this nation. Following high school, our young people have many opportunities and wide open doors to pursue their dreams. Michael chose the path of the Army because he believed that it was his honor and duty to serve his nation and protect our freedom. In fact, he had told his mother that the Army would be his career and had re-enlisted for another four years of service shortly before he died. He did not choose this path because he thought that he would one day become a war hero or that this career would provide him a lucrative and extravagant life.

I know it has been a very hard and difficult time for Michael's family and friends, especially since Michael's wife, Rebecca, is expecting their first child in July. I hope they know that the nation thanks him for his service and we appreciate the sacrifices they had to make for us as well.

Let freedom ring where all can hear it and let Sergeant Michael Rowe's memory be eternal.

HONORING THE MEMORY OF CALIFORNIA STATE SENATOR ALFRED E. ALQUIST

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of former California State Senator Alfred E. Alquist. He is survived by his wife, State Senator Elaine White Alquist; son Alan Alquist; stepsons Peter and Bryan White; and five grandchildren.

Alfred Ernest Alquist was born in Memphis, Tennessee on August 2, 1908. He began his professional life as a railroad yardmaster and transportation supervisor, in which he dutifully served for 40 years. In his time with the railroad industry, Senator Alquist developed and cultivated a keen interest in transportation issues. With a passion for policy nested, Senator Alquist joined his local Democratic Club in San Jose, California, which proved to be a stepping stone for his political career.

Ever the dedicated citizen, Senator Alquist embarked on the campaign trail and was elected to the California State Assembly in 1962. After his years in the Assembly, Senator Alquist was elected to the State Senate in 1966 and became the first full-time Legislature that same year.

Senator Alquist's legislative legacy includes serving as Chair of the Senate's Budget Committee for 15 years. His concern for California's future earthquake preparedness led him to author landmark legislation that created the state's Seismic Safety Commission and the Energy Commission. Senator Alquist spearheaded a bill that established the Santa Clara Valley Transportation Authority and was the pioneer in leading an almost two decade effort to build a state office in San Jose, California. When the building was completed in 1983, it was named in Mr. Alquist's honor.

Senator Alquist retired from the State Legislature in 1996. He was 88 years old when he ended his tenure and made history by becoming the State Senate's longest-serving member.

Senator Alfred Ernest Alquist passed away on Monday, March 27, 2006 at the age of 97.

I had the great pleasure of being Senator Alquist's seatmate while we served together in the Senate. Senator Alquist touched the lives of many people and his legacy will remain vivid for generations to come. His genuine concern and vision for the future have all made the state of California a much better place.

PERSONAL EXPLANATION

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. BOREN. Mr. Speaker, on rollcall Nos. 43, 45, 47, 48, 49, 50, 51, 52, 55, 59, 60, and 63, had I been present, I would have voted "yes".

Mr. Speaker, on rollcall Nos. 44, 46, 53, 54, 56, 57, 58, 61, 62, 64, 65, 66, and 67, had I been present, I would have voted "no."

GOSPEL MUSIC WEEK

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. COOPER. Mr. Speaker, beginning this weekend, more than 3,000 individuals will gather in my hometown of Nashville to celebrate one of the most exciting and fastest-growing segments of the music industry. While most people around the world think of Nashville—Music City—as the place to come to enjoy the best country and bluegrass music in the world, Nashville is also home to another powerful music force: the Gospel Music Association.

From April 1st through April 5th, Nashville will host Gospel Music Week. It is five days of concerts, worship services, performance showcases, educational seminars and exhibits, all culminating on Wednesday evening with the GMA Music Awards. Known as the Dove Awards, this year's ceremony will be held at the Grand Ole Opry House and hosted by Rebecca St. James and Kirk Franklin, both Grammy and Dove Award winners themselves. St. James and Franklin will also perform during the evening's program that will feature artists ranging from soulful gospel to guitar driven pop to powerful quartet harmonizing and more.

The sold-out event is a testimony to the popularity and power of gospel music today. Christian and gospel music sales have increased from \$381 million in 1995 to over \$700 million annually, an 80 percent increase over the last decade. Over 43.5 million units of Christian and gospel music CDs, cassettes, digital albums, and digital tracks were sold in 2005. That figure represents over 6 percent of all music sales in 2005 and ranks higher than Latin, Soundtracks, Jazz or Classical releases.

As John W. Styll, president of the Gospel Music Association has said, this growth in the Christian and gospel music isn't surprising. "The heart of gospel music may be in the lyrics, but the soul is in the passion with which these artists perform."

Clearly, the world is passionate about gospel music and the many outstanding artists who will appear in Nashville in the coming days. I salute each of these individuals, and the Gospel Music Association, as they prepare for the 37th Annual GMA Music Awards and Gospel Music Week and another year of inspiring performances that touch the hearts and souls of music lovers worldwide.

REGARDING RESOLUTION OF INQUIRY SEEKING DOCUMENTS CONCERNING WHITE HOUSE KNOWLEDGE OF THE CONSTITUTIONAL INFIRMITY OF S. 1932

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. WAXMAN. Mr. Speaker, today, I and a number of my colleagues are introducing legislation to investigate the White House's knowledge of the constitutional defects of S. 1932, the Deficit Reduction Act of 2005, at the time the President signed the bill into law.

On February 8, 2006, President Bush signed into law a version of S. 1932 that was different in substance from the version the U.S. House of Representatives passed on February 1, 2006. The House-passed version of the legislation required the Medicare program to lease "durable medical equipment," such as wheelchairs, for seniors and other beneficiaries for up to 36 months, while the version of the legislation signed by the President limited the duration of these leases to just 13 months. As the Congressional Budget Office reported, this seemingly small change from 36 months to 13 months has a disproportionately large budgetary impact, cutting Medicare outlays by \$2 billion over the next 5 years.

Under the U.S. Constitution, a bill cannot become law unless the same version is passed by both Houses of Congress and signed by the President. It appears that the Republican congressional leadership knew that the process of enacting S. 1932 violated this principle. Now evidence is mounting that the President and his staff may have knowingly participated in this constitutionally infirm process.

As I wrote to former White House chief of staff Andrew Card on March 15, I have learned that the Speaker of the House advised the White House of the differences between the House-passed bill and the bill presented to the President before the President signed the legislation. This account was confirmed in a March 22 Wall Street Journal article, which reported that the Speaker's chief of staff "called a high ranking White House official" and "asked the Administration to delay proceedings until the problem could be addressed by the House and Senate." Nevertheless, the President signed S. 1932 into law without any action by the House and Senate to address the problem.

This information has serious constitutional implications. When the President took the oath of office, he swore to "preserve, protect, and defend the Constitution of the United States." If the President signed S. 1932 knowing its constitutional infirmity, he would in effect be placing himself above the Constitution.

The President's decision to authorize the National Security Agency to conduct warrantless wiretaps despite Federal laws forbidding the practice has raised questions in the minds of many Americans about whether he considers himself bound by the laws enacted by Congress. The mounting evidence that the President signed the Reconciliation Act into law knowing that it differed from the legislation passed by Congress now raises the issue whether he considers himself bound by the provisions of the Federal Constitution.

Given the constitutional issues at stake, it is imperative that Congress exercise its oversight powers to examine what the President and his staff knew about the defects in S. 1932 and how they considered and acted on any such information. The resolution of inquiry I am introducing today would advance such a congressional inquiry by requesting that the White House provide Congress with all documents relating to information the White House received about the difference between the version of the bill the House passed on February 1 and the version the President signed on February 8.

BACKGROUND

Last fall, the House and Senate passed different versions of the Deficit Reduction Omni-

bus Reconciliation Act of 2005. During the House-Senate conference committee on the bill, a significant last-minute issue arose in the conference involving how long Medicare should pay for durable medical equipment, DME. Existing Medicare law provided for payments for DME by Medicare under a fee schedule for an unlimited period of time. In an effort to reduce Medicare spending, the conferees tentatively agreed to reduce the duration of Medicare payment to just 13 months.

This proposal, however, generated objections from a Senator and Representative from Ohio, where a major manufacturer of oxygen equipment is located. To accommodate their concerns, the conference report reduced the duration of Medicare payments for most DME to 13 months, but directed Medicare to continue to pay for oxygen equipment for 36 months. The final conference report was filed on December 19, 2005.

The House passed the conference report on S. 1932 on December 19, 2005, by a vote of 212-206.

The Senate considered the conference report on December 19, 20, and 21. During that consideration, several points of order were raised against the report and sustained as violating the congressional budget process. A motion was made to waive these points of order but that motion was defeated. The effect was to defeat the conference report in the Senate.

On December 21, the Senate passed S. 1932 with an amendment that reflected the contents of the conference report, minus the items that generated the points of order. The vote in the Senate was a tie, and Vice President CHENEY cast the deciding vote. This bill, as amended, was then sent back to the House for its concurrence.

In the process of transmitting the bill, as amended, back to the House, the Senate clerk made a significant substantive change to the legislation. This change extended the duration of Medicare payments for all DME to 36 months, the same time period provided in the Senate amendment for oxygen equipment. The Senate clerk realized the mistake, and the Republican House leadership was informed of the error in January, several weeks before final House floor action was scheduled to occur.

Such errors in formal messages between the houses are not unprecedented. They are recorded in the House precedents as having occurred as long ago as March 13, 1800, and as recently as July 12, 2005. They are typically handled by sending the legislation back to the Senate for the mistake to be corrected.

The response by the Republican leadership to the error in S. 1932, however, was without precedent. It constitutes a violation of the House Rules and of the Constitution itself.

Apparently concerned that any additional vote in the Senate could endanger passage of the legislation, the Republican leadership did not seek to correct the problem. Instead, the Republican leadership brought the legislation to the House floor on February 1 without revealing to the Democratic leadership or the body of the House that the 36-month period in the legislation before the House did not represent the legislation passed by the Senate.

On February 1, the House voted on the version of the bill, as amended, that contained the DME mistake. The vote was extremely close, 216 to 214. As a result of this vote, the

House and Senate had voted for different bills, the House having adopted a version that provided for 36 months for DME and the Senate having adopted a version that provided for 13 months.

Because the budget legislation originated in the Senate, the official version was returned to the Senate before being transmitted to the President for his signature. At this point, a Senate clerk made a second substantive change in the legislation, revising the House-passed text to reflect the original Senate-passed amendment. This change restored the 13-month period for coverage of DME other than oxygen equipment.

On February 7, the budget legislation was presented to the President. The documents transmitted to the President included an attestation by House Speaker DENNIS HASTERT and President pro tem of the Senate TED STEVENS that the legislation had been passed by both the Senate and the House.

On the morning of February 8, the White House Office of Management and Budget notified Republican congressional staff that the version of the legislation presented to the President was not the same as the version of the legislation passed by the House. This information was conveyed to the office of House Speaker HASTERT. The Speaker's chief of staff then called senior staff at the White House to advise the White House of this mistake and to request a delay in signing of the legislation.

The Wall Street Journal recently published an account of the communications between the Speaker's chief of staff and the White House. According to the Wall Street Journal, the Speaker's office "confirmed . . . that the Illinois Republican had asked the administration to delay proceedings until the problem could be addressed by the House and Senate." Indeed, the Wall Street Journal reported, "When the Speaker and Senate Majority Leader . . . went to the White House for the Feb. 8 ceremony, they expected only a 'mock ceremony'—not a real signing of the parchment that had been presented in error."

On the afternoon of February 8, despite the communications from the House Speaker, the President signed the bill. The version the President signed is the version that reflected the Senate-passed amendment, not the House-passed text.

THE NEED FOR THE RESOLUTION

Over 100 years ago, the Supreme Court addressed whether a bill could become law if the version signed by the President differed from the version passed by the House and Senate. In the case of *Field v. Clark*, 143 US 649 (1892), the Court held that the President could rely on the attestation of the Speaker of the House and the President of the Senate that the legislation before the President was the same as the legislation that passed the Congress. But the Court also recognized that the outcome would be different if there were a "deliberate conspiracy" to ignore the Constitution. As the Court wrote:

It is said that . . . it becomes possible for the Speaker of the House of Representatives and the President of the Senate to impose upon the people as a law a bill that was never passed by Congress. But this possibility is too remote to be seriously considered in the present inquiry. It suggests a deliberate conspiracy to which the presiding officers, the committees on enrolled bills, and the clerks of the two houses must necessarily be parties, all acting with a common

purpose to defeat an expression of the popular will in the mode prescribed by the constitution.

It now appears that the possibility that a President would knowingly sign legislation that did not pass Congress is no longer "too remote to be seriously considered." In fact, this is exactly what appears to have happened when President Bush signed the Reconciliation Act.

To learn more about this matter, I wrote the President's chief of staff, Andrew Card, on March 15, seeking information on the President's knowledge of the bill's constitutional infirmity. When the Wall Street Journal reported on March 22 that Speaker HASTERT's office had informed the White House of the problems with the legislation, I joined Democratic Leader NANCY PELOSI in sending a second letter to the White House. Unfortunately, there has been no White House response.

I therefore urge my colleagues to support the resolution of inquiry I am introducing today. The American public deserves a detailed explanation of what went wrong with the enactment of S. 1932—and assurance that government leaders will not ignore basic constitutional requirements regarding the legislative process.

IN RECOGNITION OF RABBI DR. H.
JOSEPH SIMCKES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. ACKERMAN. Mr. Speaker, I rise today in honor of Rabbi Dr. H. Joseph Simckes, who has just retired after 29 years of service to the Hollis Hills Jewish Center.

As the spiritual leader of the Hollis Hills Jewish Center, Rabbi Simckes' dedication and compassion to our community has been unparalleled. I have had the great honor of knowing this intelligent, wise and kind-hearted individual, both on a personal level and as an advocate for the numerous important issues, and, particularly, support for the state of Israel, that we have worked on together.

Throughout his extraordinary career, Rabbi Simckes has been deeply and profoundly involved in the education of Jewish youth. His strong support of Jewish education was evident early in his career through his role in helping to found the first Solomon Schechter Day School in Boston. Rabbi Simckes has also led over 40 student-groups on tours throughout Israel. I have seen first hand the importance Rabbi Simckes places on education through the important work that he has done helping sculpt today's Jewish curriculum and the vast knowledge and rigor that he displays in his moving sermons. The wisdom he has shared both inside and outside of his congregation has improved and enriched the lives of thousands in the community.

Rabbi Simckes is also a trained therapist, whose compassion and guidance have comforted both old and young. Rabbi Simckes has been a pillar of strength throughout his tenure counseling, comforting, and sharing in the pain and joy of the whole community.

Rabbi Simckes has stood with the Queens Jewish Community during our most important life-cycle moments: births, bar-mitzvahs, wed-

dings, and, of course, deaths as well. Always warm, always accessible, Rabbi Simckes has guided our community as pastor and friend.

Our community has been blessed to have such a devoted and passionate leader. Though Rabbi Simckes will be missed his role as congressional rabbi, his spirit and convictions will remain as a permanent legacy for the community. The importance he placed on learning, and his deep devotion to the Jewish people and their faith, have inspired us all, and we look forward to his continued involvement in our lives.

To Chana Simckes, on behalf of the entire community, I want to thank you for sharing your husband to us so readily and for so long. Without your love and support neither he, nor we, could have made it so far, and for so long, together.

Mr. Speaker, I ask all my colleagues in the House to join me in recognizing my leader, my pastor, my guide, and my friend, Rabbi Dr. H. Joseph Simckes for his 29 years of service to the Hollis Hills Jewish Center. We send him our very best wishes in his years of well-earned retirement.

COMMENDING HAITI FOR HOLDING
DEMOCRATIC ELECTIONS

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the people of the Republic of Haiti for holding successful democratic elections on February 7, 2006. I would also like to congratulate their chosen successor, Mr. Rene Préval.

I commend the people of Haiti for their active commitment to and unbridled belief in democracy. On such an auspicious occasion, the best way we can honor the Republic of Haiti is by continuing to lend our support through economic and humanitarian policy that encourages development, not dependency.

While elections are the necessary first step towards democracy in Haiti, there still remains a long road ahead. It is crucial that we, the United States, do not continue to perpetuate the legacy of interference and neglect in Haitian affairs.

We must work with the newly elected President of the Republic of Haiti, Rene Préval, and we must work with Haitians in both Haiti and the U.S. to make their dreams of sustained democracy and prosperity a reality.

Several of my distinguished colleagues, myself included, have a significant number of Haitian constituents in our district. It is my sincerest hope that we will work to bring their home country out of the grips of poverty and despair once and for all so that Haiti's rich, yet tumultuous, past will finally evolve into a future of sustained success.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes:

Ms. KILPATRICK of Michigan. Mr. Chairman, I would like to use this opportunity to address this House to explain my vote on H.R. 4939, the Emergency War and Hurricane Supplemental Appropriations Act for Fiscal Year 2006, which this chamber considered on March 16, 2006.

Despite my misgivings for the direction of our Iraq policy, I do not believe our troops, who are fighting so bravely, should be penalized for the mistakes in judgment of our civilian military leadership in the White House and the Pentagon. I also believe we need to continue our obligation to the people and states who fell victim to Hurricane Katrina. For these reasons, I supported the passage of H.R. 4929, the Emergency Supplemental Appropriations Act for Fiscal Year 2006.

The funds in this bill will enable our soldiers and marines on the ground to uparmor their vehicles. There should be more outrage from the American public that they were deployed without adequate equipment from the beginning. But they are there, and it is vital that they have the equipment necessary to protect themselves against attack. Moreover, more money is provided in this bill to help our troops detect and destroy improvised explosive devices (IEDs).

Although I disagree with the administration's conduct of the war, I do believe the one way we can bring our troops home sooner is to provide Iraqi security forces with the training and equipment they need to provide for the common defense of their own country and take the fight to the insurgency. Ultimately, the fate of their country will rise and fall on the Iraqis' ability to provide for their own security.

To further help our troops, the money in this bill will take care of the health care needs of their families and cover the projected shortfall in the defense health care account. It also honors the obligation Congress made last year to increase the military death gratuity to \$100,000 from \$12,000 and subsidized life insurance benefits that were increased to \$400,000 for the families of fallen loved ones.

The bill also helps needy families offset the high cost of heating fuel by providing an additional \$750 million for the Low Income Home Energy Assistance Program (LIHEAP). Finally, the bill honors what I feel is our country's obligation to help the Gulf Coast region by appropriating \$19.1 billion in disaster relief, community development and levee reconstruction monies.

These programs deserve our support. We cannot turn our backs to protecting