

assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,  
*Speaker.*

RICHARD A. GEPHARDT,  
*Democratic Leader.*

CONGRESS OF THE UNITED STATES,  
Washington, DC, November 21, 1989.

Hon. GEORGE BUSH,  
*President of the United States, The White House, Washington, DC.*

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would "prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it." You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a "hand enrollment" of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In *Kennedy v. Sampson*, the United States Court of Appeals held that "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430 (D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of *Kennedy v. Sampson*, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,  
*Speaker.*

ROBERT H. MICHEL,  
*Republican Leader.*

## ON THE BIRTH OF JUDAH CHRISTOPHER CALLAHAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Paul and Jenni Callahan on the birth of their new baby boy. Judah Christopher Callahan was born on September 30, 2008, weighing nine pounds. Judah joins an older sister, Charlotte. He has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future.

His father, Paul, serves as senior legislative assistant in the office of the Second Congressional District of South Carolina.

I want to congratulate Judah's grandparents, Gerald and Madonna Callahan of Greenville, South Carolina, and Steve and Pam Crowe of Greenville, South Carolina. On behalf of my wife Roxanne, and our entire family, we want to wish Paul, Jenni, Charlotte, and Judah all the best.

## RECOGNIZING OCTOBER AS BREAST CANCER AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment to recognize October as National Breast Cancer Awareness month. Excluding skin cancer, breast cancer is the most common cancer among women, accounting for more than 1 in 4 cancers diagnosed in women in the United States. Breast cancer incidence and death rates generally increase with age. White women have a higher incidence of breast cancer than African American women after the age of 40. In contrast, African American women have a higher incidence rate before the age of 40. Of great concern is the racial disparity that exists in terms of breast cancer outcomes. In the United States, African American women are 37 percent more likely to die from breast cancer than Caucasian women, with 5-year survival rates being 77 percent and 90 percent, respectively. This discrepancy is unacceptable.

Health disparities related to breast cancer exist primarily due to poor early detection of the cancer and limited access to high-quality treatment. A lack of health insurance usually is linked with one having a more advanced stage of cancer at the time of diagnosis. The presence of supplementary illnesses, lower socioeconomic status, unequal access to medical care, and disparities in treatment may contribute to the observed differences in survival between lower and higher income breast cancer patients, specifically between African American and white women.

Many institutions are taking the initiative to understand and address these disparities. I am proud that a hospital in my Congressional district has accepted this challenge. The Sinai Urban Health Institute is the largest private provider of charity care in the State of Illinois, and it has helped raise awareness and care

for breast cancer. Sinai recently completed a comprehensive epidemiological analysis of breast cancer mortality for African American and Caucasian women in Chicago. Strikingly, the study found that black women in Chicago had a 68 percent higher mortality rate of breast cancer than Caucasian women. Further, the study demonstrated that Caucasian women in Chicago had benefited from the incredible advancements in treatment over the past 2 decades, but that these treatment successes had no impact on the mortality rate for African American women. This report prompted the local health community to discuss solutions to the growing disparities. The experts involved centered their recommendations on three things: improve access to mammograms, the quality of mammograms, and the quality of breast cancer treatment. To do its part, Sinai developed a program to increase the access of low-income women to mammograms. I am impressed that Sinai's efforts resulted in an amazing increase in the number of mammograms conducted at Sinai. Specifically, the number of mammograms increased 60 percent from 2004 to 2007.

I also am pleased that this session I helped pass legislation to extend the authorization of the semipostal Breast Cancer Awareness stamp till 2011. Through the sale of this stamp, we are able to raise awareness of this disease and directly raise money for needed research. Sale of the Breast Cancer Semipostal stamp, first issued in 1998, has raised more than \$54 million for breast cancer research.

As policymakers, we must continue to work together to raise money, promote awareness, and advance treatment for a cancer that is devastating our communities.

## EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mrs. CAPITO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 7110:

Requesting Member: SHELLEY MOORE CAPITO.

Account: RTDE Army.

Title: MATRIC-Project National Shield Integration Center.

Recipient: Keith A. Pauley, 3200 Kanawha Turnpike, Building 740, Suite 4300, South Charleston, WV 25314.

Summary: To establish a nationally integrated system-of-systems framework that can effectively protect the nation against terrorist attacks, etc.

Account: RTDE Defense Wide.

Title: Tactical Biometrics Operating and Surveillance System (TBOSS).

Recipient: STS International, 204 Sand Mine Road, PO Box 10, Berkeley Springs, WV 25411.

Summary: To provide tactical forces at the infantry squad level the capability to enroll/identify persons of interest when and where encountered and to communicate data up to battalion level to provide real-time threat mitigation.

Account: RTDE Air Force.

Title: Expert Organization Development System (EXODUS).

Recipient: Triune Software, Inc., 4027 Col. Glenn Hwy—STE 330, Beavercreek, OH 45431.

Summary: To provide numerous benefits to the Air Force Material Command (AFMC) as well as other AF organizations.

Account: Operations and Management Army.

Title: Records Management Pilot Program.

Recipient: National Veterans Technology Consortium, 3786 Oakwood Avenue, Austintown, Ohio 44515.

Summary: To develop a proof-of-concept program to digitize, tag, and database Army records and operational material for the Nat'l Veterans Technology Consortium (NVTC).

#### GULFSTREAM CELEBRATES 50TH ANNIVERSARY

### HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. BARROW. Madam Speaker, I rise today to celebrate a milestone in the aviation industry and in Savannah, Georgia: the 50th anniversary of flight for Gulfstream Aerospace Corporation, a world-class company that has become the leader in business aviation.

Fifty years ago, Grumman Aerospace was based in Bethpage, New York. That year, Grumman test pilots Carl Alber and Fred Rowley took the first aircraft specifically designed for business travel—the Gulfstream I twin-engine turboprop—on its maiden flight.

Since that first flight, Grumman Aerospace has become Gulfstream Aerospace, a company with a strong Savannah presence. Over the past 50 years—40 of those years in Savannah—Gulfstream has manufactured more than 1,800 aircraft. Thirty-four governments operate Gulfstream jets, and 22 countries use Gulfstream aircraft to transport their heads-of-state.

Today, Gulfstream employs more than 6,000 people in Savannah alone, making it the city's largest manufacturing employer. And Gulfstream is committed to Savannah's future. Their long-range facilities master plan calls for an investment of more than \$400 million over seven years. Gulfstream announced their plan in March of 2006 and is already well on its way to completing it.

On August 22 of this year, Gulfstream dedicated the second phase of its Research and Development Center, which is part of that master plan. I had the honor of attending that event, and I look forward to attending more like it in the years to come.

I congratulate the employees of Gulfstream Aerospace Corporation, and its parent company General Dynamics, on the 50th anniversary of Gulfstream flight. And I commend them for their commitment to the aviation industry and to their community. Congratulations on a job well done!

#### HONORING INDIANA STATE SENATOR MARVIN RIEGSECKER

### HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. DONNELLY. Madam Speaker, today I rise to honor the life of distinguished Indiana State Senator Marvin Riegsecker. Senator Riegsecker, age 71, succumbed to his long battle with cancer on Tuesday, September 30, 2008.

Senator Riegsecker's career in the Indiana State Senate began in 1988, and he became renowned and respected for his bipartisan approach to pressing issues in our great State of Indiana. He championed the causes of those who suffer, such as providing services to those with mental retardation and developmental disabilities and protecting seniors and other consumers from counterfeit prescription drugs. These efforts justly brought him national recognition from legislative and public health associations. He also played an integral role in the promotion of higher education, helping to include a \$16 million allocation in the biennial state budget for a new Ivy Tech Community College campus in Elkhart. Senator Riegsecker chaired the Senate Committee on Commerce, Public Policy and Interstate Cooperation and was ranking member of the Senate Committee on Energy and Environmental Affairs. He also served as a member of the Senate Committee on Health and Provider Services.

Senator Riegsecker's illustrious service was commemorated by many awards including the Elkhart Chamber of Commerce's Lifetime Achievement Award, the Indiana Optometric Association's Outstanding Service in the Public Interest Award, and the Henry Cade Memorial Award.

Prior to his career in the state legislature, Senator Riegsecker earned his Bachelor of Science degree from the University of Colorado's School of Pharmacy and became a pillar in the pharmaceutical profession. He began his public service career in Indiana as Elkhart County Coroner from 1977 to 1984 and was elected County Commissioner from 1985 to 1988.

Senator Riegsecker's legacy as a public servant will be defined by his passionate advocacy and his legislative integrity. He will be dearly missed by his family, his constituents, and by Hoosiers across the State. It is with great pride and honor that I rise today to honor a great man, Indiana State Senator Marvin Riegsecker.

#### HONORING ASHER D. ALLMAN

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Asher D. Allman of Kansas City, Missouri. Asher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1447, and earning the most prestigious award of Eagle Scout.

Asher has been very active with his troop, participating in many Scout activities. Over the many years Asher has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Asher D. Allman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### HONORING CONGRESSMAN TERRY EVERETT

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. REYES. Madam Speaker, I rise today to honor our colleague Congressman TERRY EVERETT who is retiring from the House of Representatives after serving the people of the second district of Alabama for 16 years.

I have had the honor of serving with Congressman EVERETT on House Permanent Select Committee on Intelligence and the House Armed Services Committee. We served together under both Republican and Democratic majorities, but no matter which party led the House of Representatives, TERRY's commitment to his constituents and to protecting our Nation was unwavering.

I first had the opportunity to work closely with Representative EVERETT when I served as ranking member of the Strategic Forces Subcommittee of the Armed Services Committee. As chairman of the Strategic Forces Subcommittee, he led efforts to examine our Nation's policies on missile defense and military space. The subcommittee also conducted extensive oversight of issues nuclear weapons, and we worked with the Department of Energy to make needed improvements in security for some of our Nation's most sensitive nuclear materials and information.

During our tenure as chairman and ranking member of the Strategic Forces Subcommittee, Congressman EVERETT and I visited military facilities and laboratories throughout the country so that we could hear firsthand from subject matter experts the challenges facing our national security infrastructure. In addition to providing us with needed insight into critical issues, those trips and the time we spent together in Washington, gave me a window into TERRY's warm nature, his subtle sense of humor, and his unending devotion to his beloved home State of Alabama.

On the subject of devotion without limits, TERRY's beloved wife Barbara has been his rock through his time in service here in Congress. Her love and support has been vital to his service, and I am sure that she will be glad to have him back in Alabama full-time.

Madam Speaker, I rise today to honor my good friend and colleague Congressman TERRY EVERETT. As he leaves Congress, he is leaving our Nation and our world a safer place for future generations.