

Constitution to "proceed to reconsider" the bill. Rather than immediately considering the ultimate question on overriding or sustaining the veto, the House chose as its first mode of reconsideration a referral to committee.

We enclose for your consideration copies of previous letters to President George H. W. Bush and President Clinton, respectively dated November 21, 1989, and September 7, 2000. Those letters from Speaker Foley and Leader Michel and from Speaker Hastert and Leader Gephardt expressed the profound concern of the bipartisan leaderships over similar assertions of pocket vetoes. We echo those concerns and urge you to give appropriate deference to such judicial resolutions of this question as have been possible.

Thank you for your attention to this matter.

Best regards,

NANCY PELOSI,  
*Speaker of the House.*  
JOHN A. BOEHNER,  
*Republican Leader.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 7, 2000.

Hon. WILLIAM J. CLINTON,  
*The President, The White House,*  
Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

President Bush similarly asserted a pocket-veto authority during an intersession adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the

bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that "[s]uccessive 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." It also states our belief that it is not "constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation." The Congress, on numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of "pocket veto" authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In Kennedy v. Sampson, 511 F.2d 430 (D.C. Cir. 1974), the court held that the "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.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such 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,*  
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.*

## HONORING THE AMBASSADOR OF UKRAINE OLEH SHAMSHUR

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor Oleh Shamsur for his distinguished service as Ambassador Extraordinary and Plenipotentiary of Ukraine to the United States.

Since his appointment in December 2005, Ambassador Shamsur has worked tirelessly and effectively to strengthen the strategic partnership between Ukraine and the United States. As Co-Chairman of the Congressional Ukrainian Caucus, I have had the honor of partnering with him on issues affecting Ukraine as well as the Ukrainian American community in Southeastern Pennsylvania.

Specifically, Ambassador Shamsur played an important role in the lifting the Jackson-Vanick trade restrictions, which has benefitted the U.S. and Ukraine by opening new markets and expanded opportunities for entrepreneurs and job creators in both nations.

This month, Ambassador Shamsur will be leaving his post to pursue new opportunities of his own. Friends and colleagues will honor his accomplishments during a dinner on May 26, 2010 at the Metropolitan Club of the City of Washington.

Madam Speaker, I ask that my colleagues join me today in recognizing Ambassador Oleh Shamsur for his exemplary service and valuable contributions to strengthening the ties between the United States and Ukraine and in extending best wishes for continued success in his future endeavors.

HONORING THE MARINES AND  
CORPSMEN OF THE 3RD BAT-  
TALION, 25TH MARINES INFAN-  
TRY REGIMENT ON MEMORIAL  
DAY

**HON. ERIC CANTOR**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 26, 2010*

Mr. CANTOR. Madam Speaker, I rise today to honor those who have answered the call of duty for their country and made the ultimate sacrifice. I would like to call on everyone to reflect this Memorial Day on those service members who have sacrificed their lives for this country and the family members who were left behind.

I would like to honor my constituent, Nathan Huffman, USMC Sgt. Ret., and other Marine Reservists from the 3rd Battalion, 25th Marines Infantry Regiment and fellow Corpsmen, who served their country honorably from March 2005 to October 2005 in Al Anbar Province during Operation Iraqi Freedom. This Memorial Day, Sgt. Huffman has organized a Memorial Day Ultra Marathon in honor of their 48 fallen Marines and Corpsmen who perished during their service in Iraq, and the many other service members who have given their lives while serving our country.

Sgt. Huffman will depart the Virginia War Memorial in Richmond, Virginia along with many of his fellow Marines, Corpsmen, friends, and supporters and run day and night to cover the over 100-mile journey which will end at the U.S. Marine Corps War Memorial. The purpose of this ultra marathon from Richmond to Washington, D.C. is to commemorate the core values of Memorial Day and honor the fallen. In the words of Staff Sergeant Joseph Goodrich on his reflection of Memorial Day, "I started looking at all of the headstones with flags in front of them. I started thinking about who they were, how they lived, how they died and what they did for me . . . I swore to myself that I would not let them down. They sacrificed, and gave to me something I could never repay; freedom." Sgt. Goodrich was killed in Iraq on July 10, 2005.

Madam Speaker, I rise today to honor the memory of the many courageous men and women who have given their lives in the service of our great Nation, and their widows, mothers, fathers, sons, and daughters who are left behind. They have not given their lives in vain—rather they have offered their valor and dedication to a grateful Nation. Sgt. Huffman and his fellow runners have heard and answered a second call of duty to remind our Nation to never forget the fallen, the wounded, and loved ones who have lost their heroes. Please join me in recognizing their efforts and those of our brave troops and let us never forget their sacrifices.

HONORING COMMANDER DONALD  
GAITHER

**HON. BRAD ELLSWORTH**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 26, 2010*

Mr. ELLSWORTH. Madam Speaker, I rise today to pay honor and tribute to the late

Commander Donald Gaither, a founder of the elite Navy SEALs, for his 27 years of service in the U.S. Navy.

Commander Gaither was a native Hoosier and one we are all proud of. Commander Gaither was born in Daviess County, Indiana and graduated from Washington High School in 1937. While serving on his first submarine, the USS Swordfish, the submarine engine room was damaged during battle. In performance of his duties as chief motor machinist, he was awarded the Silver Star medal for distinguished submarine service.

Commander Gaither's U.S. Navy career continued to be characterized by strong leadership and consistent work. As he rose through the ranks from apprentice seaman to commander, he was highly regarded by those who worked under him. During his time in the Navy, Commander Gaither served as an executive officer in Underwater Demolitions, a precursor to the Navy SEALs. After the Korean War, Congress considered eliminating the Underwater Demolitions Program. Commander Gaither came to Congress and persuaded Congress to keep the program. The Underwater Demolitions Program was later expanded into the Navy SEALs, making Commander Gaither one of the founding fathers of the Navy SEALs.

Commander Gaither's success in the Navy is a tribute to what hard work and determination can accomplish. Commander Gaither spent countless hours studying and preparing for each Navy promotion he received. His work ethic was only matched by his strong leadership skills. Although Commander Gaither died of natural causes post-retirement, his 27 years of service through three wars represent a lifetime commitment to serving our country.

Today, I ask all members of Congress to join me as we honor the life of Commander Donald Gaither of the U.S. Navy, an accomplished war veteran who courageously served to better the lives of all American citizens.

RECOGNIZING ROBIN ARRENDON-  
DO-SAVAGE'S INDUCTION AS A  
MEMBER OF THE TEMPE CITY  
COUNCIL

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 26, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Robin Arrendondo-Savage on her recent induction as a member of the Tempe City Council.

Robin is a lifelong resident of my hometown of Tempe who has always been actively involved in our community. Previously the Chairman of the Tempe Chamber of Commerce and a small business manager, she has shown a commitment to the development of jobs and the growth of the economy in Tempe. Through this and her position as the President of the Tempe Union High School District Governing Board, Robin has proven herself to be a strong and dedicated leader and public servant for her community and its youth.

Robin is also a U.S. Army veteran who served our nation with distinction. She has shown that same commitment and dedication in the many community boards, commissions

and youth sports activities where she has volunteered her time. I am honored to call Robin a friend and I look forward to seeing what her future in public service brings to our community.

Madam Speaker, please join me in recognizing Robin Arrendondo-Savage's induction as a member of the Tempe City Council.

UNITED STATES-ISRAEL ROCKET  
AND MISSILE DEFENSE COOPERA-  
TION AND SUPPORT ACT

SPEECH OF

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 19, 2010*

Mr. WAXMAN. Madam Speaker. I rise in strong support of H.R. 5327, a bill authorizing critical funding to ensure Israel's security. Ever since President Kennedy first approved the sale of Hawk missiles to Israel in 1962, U.S.-Israel cooperation on defensive missile systems has developed into a productive strategic partnership that safeguards the security of our ally Israel while advancing our own military edge.

Iron Dome, the program supported by this bill, is a system of anti-missile batteries capable of intercepting the short- and medium-range Qassam, Katyusha, and Grad rockets that have been used by Hamas and Hezbollah to terrorize Northern and Southern Israel.

The successful testing of the first two operational batteries earlier this year demonstrated the system's ability to revolutionize Israel's ability to defend against these attacks. The bill before us authorizes \$205 million for Israel to build and deploy 10 more mobile batteries that will be available for rapid deployment wherever and whenever needed. And it is important to note that our own military stands to benefit from the advanced radar and other technologies that are components of this system.

During its 34-day war with Israel in 2006, the Iranian-backed Hezbollah movement unleashed nearly 4,000 rockets against Northern Israel. In the 5 years following Israel's complete withdrawal from Gaza in 2005, Hamas has unleashed 6,000 rockets on Southern Israel. Until now, Israel has had no defenses against such weapons.

The Obama administration deserves tremendous credit for this initiative and its hands-on efforts to advance Israel's defensive capability at a critical time.

It is no secret that Hezbollah and Hamas are rebuilding their arsenals. Hezbollah is believed to have rearmed with some 45,000 rockets and missiles, including Scud missiles and other weapons that can hit Tel Aviv or Jerusalem. Iran continues smuggling weapons material to Hamas via Egypt.

It is also no secret that Iran has in the past used its terrorist proxies in Lebanon and Gaza to provoke Israel and divert international attention from its nuclear program and its defiance of international law. The 2006 Lebanon war, which was precipitated by Hezbollah's kidnapping of three Israeli soldiers, happened just as the IAEA was recommending that the United Nations demand that Iran suspend all enrichment-related and reprocessing activities.