

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.