help you to see that they did not die in vain, and surely the fact that their relatives now see the first African American to secure the nomination of a major party for President of the United States will drive home the reality that these three young men, at the dawn of their lives, not only did not die in vain but for generations to come and, yes, for this generation, have left a legacy of their own.

I thank the gentleman for yielding.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Once again, I rise in support of H. Res. 1293.

David McCullough, the distinguished writer and historian, said, ''We run the risk of being a Nation of historic illiterates.'' And he was referring to our lack of knowledge of the beginnings of this country, the lack of knowledge of the Founding Fathers and that generation. But he need not look back that far. All he needs to do is to look back 40 some years, as the gentleman from Georgia has mentioned to us and the gentlewoman from the District of Columbia and the gentleman from Michigan.

We cannot allow these real-life tragedies, events, sacrifices to be lost in the midst of memory. We have to make sure that not only do we understand them but that we understand their import and that we teach our children that this is part of America's history and America is what it is today because of the sacrifices of many great men and women, these three included among them: Goodman, Chaney, and Schwerner.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to support the commemoration of the 44th Anniversary of the death of civil rights workers Andrew Goodman, James Chaney and Michael Schwerner in Philadelphia, Mississippi while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which would become known as Freedom Summer. I would like to thank my fellow Judiciary member and the gentleman from Georgia, Congressman JOHN LEWIS for introducing this legislation.

The right to vote has held a central place in the black freedom struggle. After emancipation, African Americans sought the ballot as a means to in American society. During the summer of 1964, thousands of civil rights activists, many of them white college students from the North, descended on Mississippi and other Southern states to try to end the long-time political disenfranchisement of African Americans in the region. Although blacks had won the right to vote in 1870, thanks to the Fifteenth Amendment, for the next 100 years many were unable to exercise that right. White local and state officials systematically kept blacks from voting through formal methods, such as poll taxes and literacy tests, and through cruder methods of fear and intimidation, which included beatings and lynchings.

Freedom Summer marked the climax of intensive voter-registration activities in the South that had started in 1961. Organizers chose to focus their efforts on Mississippi because of the State's particularly dismal voting-rights record: in 1962 only 6.7 percent of African Americans in the State were registered to vote, the lowest percentage in the country. The Freedom Summer campaign was organized by a coalition called the Mississippi Council of Federated Organizations, which was led by the Congress of Racial Equality (CORE), and included the National Association for the Advancement of Colored People (NAACP), and the Student Nonviolent Coordinating Committee (SNCC).

Freedom Summer activists faced threats and harassment throughout the campaign, not only from white supremacist groups, but from local residents and police. Freedom School buildings and the volunteers' homes were frequent targets; 37 black churches and 30 black homes and businesses were firebombed or burned during that summer, and the cases often went unsolved. More than 1000 black and white volunteers were arrested, and at least 80 were beaten by white mobs or racist police officers.

But the summer's most infamous act of violence was the murder of three young civil rights workers—a black volunteer, James Chaney, and his white coworkers, Andrew Goodman and Michael Schwerner. On June 21, Chaney, Goodman and Schwerner set out to investigate a church bombing near Philadelphia, Mississippi, but were arrested that afternoon and held for several hours on alleged traffic violations. Their release from jail was the last time they were seen alive before their badly decomposed bodies were discovered under a nearby dam six weeks later. Goodman and Schwerner had died from single gunshot wounds to the chest, and Chaney from a savage beating. These savage attacks were perpetrated by the Ku Klux Klan.

The FBI investigation that uncovered the deaths of these three brave young men, white and black, also led to the discovery of the bodies of several other African-Americans from Mississippi, whose disappearances over the years had not attracted much attention.

On December 4, 1964, 21 White Mississippians from Philadelphia, Mississippi, including the sheriff and his deputy, were arrested and charged with conspiring to deprive Andrew Goodman, James Chaney, and Michael Schwerner of their civil rights, because murder was not a Federal crime. Ironically, on the very same day, December 4, 1964, Dr. Martin Luther King, Jr. received the Nobel Peace Prize.

Later, a District Court judge dismissed the charges against the 21 Whites. After three years, and an appeal to the Supreme Court, seven individuals were found guilty, but 2 of the defendants, including Edgar Ray Killen, who had been implicated by witnesses, were acquitted because the jury was deadlocked on charges.

Over twenty years later, on June 21, 2005 after new evidence, a jury convicted Edgar Ray Killen on 3 counts of manslaughter. These freedom riders made the ultimate sacrifice for the freedom of all people, black and white. It is fitting that we recognize them and pay tribute, respect, and homage to them, and to the legacy that they have left behind.

We commemorate and acknowledge the legacy of these brave Americans who participated in the civil rights movement and the role they played in changing the hearts and minds of Americans. We also celebrate these Americans for their decision to create a political environment necessary to pass legislation to expand civil rights and voting rights for all Americans.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1293.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RESPONSIVE GOVERNMENT ACT OF 2008

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6344) to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Responsive Government Act of 2008''.

SEC. 2. EMERGENCY AUTHORITY TO DELAY OR TOLL JUDICIAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

''§ 1660. Emergency authority to delay or toll judicial deadlines

''(a) TOLLING IN DISTRICT COURTS.—

''(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any Federal or State law or rule that applies in the courts of the United States, the chief judge of a district court that has been affected may exercise emergency authority in accordance with this section.

''(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the district court or bankruptcy court of the district.

''(B) Except as provided in subparagraph (C), the authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, prearrest, post-arrest, pretrial, trial, and post-trial procedures), civil actions, bankruptcy proceedings, and the time for filing and perfecting an appeal.

''(C) The authority conferred by this section does not include the authority to extend—

''(i) any statute of limitation for a criminal action; or

''(ii) any statute of limitation for a civil action, if—

''(I) the claim arises under the laws of a State; and

''(II) extending the limitations period would be inconsistent with the governing State law.

''(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the district is unavailable, the authority conferred by this section may be exercised by the district judge in regular active service who is senior in commission or, if no such judge is available, by the chief judge of the circuit that includes the district.

''(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

''(b) CRIMINAL CASES.—In exercising the authority under subsection (a) for criminal cases, the court shall consider the ability of the United States Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

''(c) TOLLING IN COURTS OF APPEALS.—

''(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any Federal or State law or rule that applies in the courts of the United States, the chief judge of a court of appeals that has been affected or that includes a district court so affected may exercise emergency authority in accordance with this section.

''(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending in the court of appeals.

''(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the circuit is unavailable, the authority conferred by this section may be exercised by the circuit judge in regular active service who is senior in commission.

''(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

''(d) ISSUANCE OF ORDERS.—The Attorney General or the Attorney General's designee may request issuance of an order under this section, or the chief judge of a district or of a circuit may act on his or her own motion.

''(e) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that, if the chief judge (whether of a district or of a circuit) determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the judicial council of the circuit, enter additional orders under this section in order to further toll or extend such time deadline.

''(f) NOTICE.—A court issuing an order under this section—

''(1) shall make all reasonable efforts to publicize the order, including announcing the order on the web sites of all affected courts and the web site of the Federal judiciary; and

''(2) shall, through the Director of the Administrative Office of the United States Courts, send notice of the order, including the reasons for the issuance of the order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(g) REQUIRED REPORTS.—A court issuing one or more orders under this section relating to an emergency situation shall, not later than 180 days after the date on which the last extension or tolling of a time period made by the order or orders ends, submit a brief report to the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Judicial Conference of the United States describing the orders, including—

''(1) the reasons for issuing the orders;

''(2) the duration of the orders;

''(3) the effects of the orders on litigants; and

''(4) the costs to the judiciary resulting from the orders.

''(h) EXCEPTIONS.—The notice under subsection (f)(2) and the report under subsection (g) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

''1660. Emergency authority to delay or toll judicial deadlines.''.

SEC. 3. WAIVER OF PATENT AND TRADEMARK REQUIREMENTS IN CERTAIN EMERGENCIES.

Section 2 of title 35, United States Code, is amended by adding at the end the following new subsection:

''(e) WAIVER OF REQUIREMENTS IN CERTAIN EMERGENCIES.—The Director may waive statutory provisions governing the filing, processing, renewal, and maintenance of patents, trademark registrations, and applications therefor to the extent the Director considers necessary in order to protect the rights and privileges of applicants and other persons affected by an emergency or a major disaster, as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). A decision not to exercise, or a failure to exercise, the waiver authority provided by this subsection shall not be subject to judicial review.''.

SEC. 4. AUTHORITY OF DIRECTOR OF PTO TO ACCEPT LATE FILINGS.

(a) AUTHORITY.—Section 156 of title 35, United States Code, is amended by adding at the end the following new subsection:

''(i) DISCRETION TO ACCEPT LATE FILINGS IN CERTAIN CASES OF UNINTENTIONAL DELAY.—

''(1) IN GENERAL.—The Director may accept an application under this section that is filed not later than three business days after the expiration of the 60-day period provided in subsection (d)(1) if the applicant files a petition, not later than five business days after the expiration of that 60-day period, showing, to the satisfaction of the Director, that the delay in filing the application was unintentional.

''(2) TREATMENT OF DIRECTOR'S ACTIONS ON PETITION.—If the Director has not made a determination on a petition filed under paragraph (1) within 60 days after the date on which the petition is filed, the petition shall be deemed to be denied. A decision by the Director to exercise or not to exercise, or a failure to exercise, the discretion provided by this subsection shall not be subject to judicial review.''

(b) FEE FOR LATE FILINGS.—

(1) IN GENERAL.—In order to effect a patent term extension under section 156(i) of title 35, United States Code, the patent holder shall pay a fee to the United States Treasury in the amount prescribed under paragraph (2).

(2) FEE AMOUNT.—

(A) FEE AMOUNT.—The patent holder shall pay a fee equal to—

(i) $65,000,000 with respect to any original application for a patent term extension, filed with the United States Patent and Trademark Office before the date of the enactment of this Act, for a drug intended for use in humans that is in the anticoagulant class of drugs; or

(ii) the amount estimated under subparagraph (B) with respect to any other original application for a patent term extension.

(B) CALCULATION OF ALTERNATE AMOUNT.—The Director shall estimate the amount referred to in subparagraph (A)(ii) as the amount equal to the sum of—

(i) any net increase in direct spending arising from the extension of the patent term (including direct spending of the United States Patent and Trademark Office and any other department or agency of the Federal Government);

(ii) any net decrease in revenues arising from such patent term extension; and

(iii) any indirect reduction in revenues associated with payment of the fee under this subsection.

The Director, in estimating the amount under this subparagraph, shall consult with the Director of the Office of Management and Budget, the Secretary of the Treasury, and either the Secretary of Health and Human Services or (in the case of a drug product subject to the Act commonly referred to as the ''Virus-Serum-Toxin Act''; 21 U.S.C. 151-158) the Secretary of Agriculture.

(3) NOTICE OF FEE.—The Director shall inform the patent holder of the fee determined under paragraph (2) at the time the Director provides notice to the patent holder of the period of extension of the patent term that the patent holder may effect under this subsection.

(4) ACCEPTANCE REQUIRED.—Unless, within 15 days after the Director provides notice to the patent holder under paragraph (3), the patent holder accepts the patent term extension in writing to the Director, the patent term extension is rescinded and no fees shall be due under this subsection by reason of the petition under section 156(i)(1) of title 35, United States Code, pursuant to which the Director provided the notice.

(5) PAYMENT OF FEE.—The extension of a patent term of which notice is provided under paragraph (3) shall not become effective unless the patent holder pays the fee required under paragraph (2) not later than 60 days after the date on which the notice is provided.

(6) FEE PAYMENT NOT AVAILABLE FOR OBLIGATION.—Fees received under this subsection are not available for obligation.

(7) DIRECTOR DEFINED.—Except as otherwise provided, in this subsection, the term ''Director'' means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(c) APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to any application—

(A) that is made on or after the date of the enactment of this Act; or

(B) that, on such date of enactment, is pending before the Director or as to which a decision of the Director is eligible for judicial review.

(2) TREATMENT OF CERTAIN APPLICATIONS.—In the case of any application described in paragraph (1)(B), the 5-day period prescribed in section 156(i)(1) of title 35, United States Code, as added by subsection (a) of this section, shall be deemed to begin on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Madam Speaker, I rise in support of H.R. 6344, the Responsive Government Act of 2008, bipartisan legislation with strong support on both s des of the aisle.

The bill consists of three major components, each of which has, in substance, previously passed the House on the suspension calendar.

Section 2 of the bill takes into account the practical realities of a natural disaster or other emergency situation where compliance with filing deadlines or other court rules would be impracticable, dangerous, or simply impossible.

In emergency situations, such as those which occurred during, and in the aftermath of, Hurricane Katrina, this section of the bill would provide the Chief Judge of the affected District Court or Court of Appeals with the authority to excuse a failure of litigants or the U.S. Government to comply with filing deadlines.

Section 3 grants similar authority to the Patent and Trademark Office to excuse failures to comply with filing deadlines caused by a natural disaster or other emergency.

Section 4 of the bill also involves a grant of authority to the Director of the Patent and Trademark Office to excuse specific late filings—this time, in connection with unintentional human error.

Section 4 would provide the USPTO with the authority to accept an application for patent term restoration under the Hatch-Waxman Act if that application is filed within 3 business days of the existing 60-day deadline.

This small but important change simply gives the USPTO discretion to accept a late application, within a limited time period, under specific conditions. This change is both good patent policy and good for public health.

Under current law, the 60-day deadline is absolutely rigid, and the consequences of that rigidity can be draconian and harshly disproportionate.

Up to 5 years of patent protection can be destroyed on account of a minor, inadvertent filing error of as little as 1 day.

This penalty is not merely disproportionate and excessive, it is also out of sync with most other patent laws and regulations, which typically give the USPTO Director the authority to excuse minor errors.

For instance, currently, if an applicant files an incomplete Hatch-Waxman application, the USPTO can grant up to 2 extra months to correct the application.

H.R. 6344 would eliminate this dichotomy, bringing the deadline provision of Hatch-Waxman into greater harmony with other relevant patent laws and regulations.

Moreover, H.R. 6344 would save lives. The reality is that the unnecessary forfeit of years of patent rights for drugs can have an extremely damaging effect on patients.

When the existing rigid deadline operates to strip away up to 5 years of patent protection, it significantly reduces the likelihood of the research and innovation that a full patent term would encourage.

This is not just a theoretical problem. A small U.S. maker of Angiomax, a blood thinner, stands to lose 4½ years of patent protection as a result of inadvertently filing its Hatch-Waxman application for patent term restoration 1 day late.

Angiomax is considered the best alternative to heparin in coronary angioplasties, and shows great promise with respect to open heart surgery and the treatment of stroke and peripheral artery disease.

Public health and safety pushes us to promote effective substitutes for heparin, such as Angiomax.

Earlier this year, contamination problems in Chinese manufacturing plants, where heparin is made from pig intestines led to 81 patient deaths.

Even apart from problems of contamination, thousands of people die every year from adverse reactions to heparin.

At this moment, when the serious shortcomings of heparin have come into bold relief, we have rightfully turned our attention to adjusting a flawed patent provision in a manner that can improve and even save the lives of large numbers of sick patients for years to come in this and other instances.

Taken together, the three components of this bill—the discretion provided in cases of emergency and the discretion provided in the case of unintentional human error—are all sound public policy, and have justifiably attracted bipartisan backing.

This bill is not inconsistent with, nor does it detract from, other legal authorities.

I urge my colleagues to support this important legislation.

Madam Speaker, I am pleased now to yield such time as he may consume to the author of this measure, the gentleman from Massachusetts (Mr. DELAHUNT), who has worked tirelessly to make sure that this measure arrives on the floor for consideration today.

Mr. DELAHUNT. Thank you, Mr. Chairman, for yielding the time.

Madam Speaker, I rise in strong support of H.R. 6344.

This is an extremely important bipartisan measure that combines sound judicial policy with rational patent law and good public health policy. The bill is aptly named Responsive Government Act because through its provisions, Congress provides the judicial and executive branches with commonsense flexibility to ease certain administrative requirements which would otherwise result in undue hardship for diligent and well-intentioned individuals and entities.

The House has previously passed this proposal in either identical or similar language, and I should note under a suspension of the rules; however, the other body has failed to act in a timely manner, but I understand now the other body is prepared to proceed expeditiously.

Let me describe the measure.

Sections 2 and 3 provide the Federal courts and the Director of the Patent and Trademark Office, respectively, with needed emergency authority to toll or delay judicial proceedings or statutory deadlines in the event of a natural disaster or other emergency situation which makes it impractical for parties, including the United States, to comply with certain filing conditions or, to the extent deemed necessary, to protect the rights and privileges of people affected by certain emergencies or a major disaster.

We recently all too often have observed how the ravages of natural disasters disrupt the lives of our fellow citizens, which can impede the ability to comply with strict statutory deadlines. Thus the Responsive Government Act provides critical flexibility to the courts and the PTO to help ameliorate the practical difficulties caused by these emergency situations.

Finally, section 4 provides the PTO Director with the discretion to accept an application for a patent term extension filed not later than 3 days after the expiration of the 60-day period in title XXXV of the U.S. Code, provided the Director determines that the delay in filing the application was unintentional.

This provision corrects an anomaly in the patent law and provides the PTO with the discretion to excuse minor filing errors, discretion it already has in most circumstances. As the PTO has testified to Congress in the past, it would bring this provision of law in line with over 30 other patent laws and regulations. It would prevent the inappropriate sacrifice of valuable earned patent rights. More importantly, this adjustment would promote important clinical research that can benefit the lives of seriously ill patients. This provision has the support of leading medical researchers and practitioners across the Nation.

It addresses a particular section of the Hatch-Waxman Act that provides a patent holder with up to 5 years of restored patent protection for time lost while awaiting FDA approval. This extra time is critical because for many highly innovative medicines, as research continues even after the drugs have been approved and released to market for a particular use. Many of these medicines have additional, potentially lifesaving uses that would not be discovered without further research, which is made possible by the years of patent protection beyond the drug's initial release.

I note the presence here of our friend the delegate from the Virgin Islands, who I am sure will speak to this measure, but I would commend to all of our colleagues a review of her commentary that appeared some time ago describing one drug in particular and what it means for medical research and for practicing physicians such as herself.

By removing the unnecessary barriers to medical research, section 4 of this act will promote research into modern, safer, and more effective medicines, saving lives and reducing burdening costs to our health care system.

□ 1530

In closing, I want to commend Chairman CONYERS, Ranking Member LAMAR SMITH, and our distinguished Chair of the Intellectual Property Subcommittee, Mr. BERMAN, for their outstanding work in preparing the Responsive Government Act of 2008, and urge that my colleagues approve this helpful and necessary measure.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

I rise in support of H.R. 6344, the Responsive Government Act of 2008, and urge my colleagues to adopt it today. There are three major components to the bill. First, the legislation authorizes Federal courts to toll or otherwise delay deadlines outside of their statutorily defined geographic domains during times of emergency. The text is identical to that of H.R. 3729 from the 109th Congress, passed on July 17, 2006, by a voice vote under suspension of the rules.

The need for this legislation became apparent following the terrorist attacks of September 11, 2001, and the impact that these disasters had on court operations, in particular in New York City.

In emergency conditions, a Federal court facility in an adjoining district or circuit might be more readily and safely available to court personnel, to litigants, to jurors, and the public, than a facility at a place of holding court within the district. This is particularly true in major metropolitan areas, such as New York, Washington, DC, Dallas, and Kansas City, where the metropolitan areas include part of more than one judicial district.

This reform is also needed to address natural disasters. The impact of Hurricane Katrina on the Federal courts in Louisiana, Alabama, and Mississippi once again demonstrated the importance of congressional action on this proposal.

Where court operations cannot be transferred to other divisions within the affected judicial district due to widespread flooding or other destruction, judges must be empowered to shift court proceedings temporarily into a neighboring judicial district.

The advent of electronic court record systems will facilitate implementation of this authority by providing judges, court staff, and attorneys with remote access to case documents.

Secondly, the bill allows the PTO director to waive various patent and trademark filing requirements during emergencies. This text is identical to that of H.R. 4742 from the 109th Congress, passed on December 5, 2006, by voice vote under suspension of the rules.

The devastation caused by Hurricane Katrina in the gulf region affected the ability of applicants, patentees, trademark holders, and other interested parties to do business with the Patent and Trademark Office. Despite its best efforts to date, the PTO needs additional authority to provide individuals and businesses with relief from certain statutory deadlines, especially those pertaining to the maintenance of patents and trademarks.

Pursuant to the bill, the PTO may waive statutory provisions governing the filing, processing, renewal, and maintenance of patents, trademarks, and applications to the extent the director deems necessary to protect the rights and privileges of applicants and other persons affected by an emergency or major disaster.

Third, the bill grants the PTO director discretionary authority to accept a late-filed application for patent term extension in certain cases if the application is filed not later than 3 business days after statutory deadline and the applicant files a petition within 5 business days of the deadline that shows that the delay was unintentional.

This provision is similar to legislation, H.R. 5120, which passed the House by voice vote under suspension of the rules as part of S. 1785, the Vessel Hull Design Protection Amendments of 2005. That passed on December 6, 2006.

Madam Speaker, this is a good bill. It helps Federal litigants, inventors, trademark holders, and other interested parties to maintain their rights under adverse conditions. I urge Members to support the bill, but I am intrigued by the name of the bill, the Responsive Government Act of 2008. One would think that this government could be responsive to the tremendous problem we have with high energy costs in this country, not just gas prices, but home heating oil, the cost of electricity, natural gas.

So with just one week left before the July 4 break, we would hope that the Democrat majority would be willing to bring a bill to the floor, something that is meaningful to provide some solutions to increase the supply of American-made energy and lower gas prices. Perhaps next time we won't leave town if the price of gasoline is $5 a gallon. The way it's going, that may be the case. We shouldn't wait for that. We should act now.

So we should have another Responsive Government Act of 2008, one that responds to the needs and concerns of the American people. Americans are paying, all Americans are paying, on average, about $1.74 more for a gallon of regular unleaded gasoline than they were on the day that the Democrats took over this House, promising a new, commonsense approach to energy that would not only stop increases, but bring it down. Unfortunately, just the reverse has been the case.

Perhaps we could work together somehow, agreeing that America has never been afraid of the future. America has always embraced the future and America has used technology here in the United States to surmount obstacles. It seems strange that we would have American technology now being used in waters off of Brazil to explore where they have just found the largest single oil find in the last 25 years. There are some that suggest that Brazil will now be energy-independent. They won't even have to use the ethanol they produce from their sugar because of this find. If the Congress of the United States had controlled Brazil, they wouldn't have been able to find it, because it's offshore.

Last week, I remind my colleagues, the Democrat leadership had time to schedule legislation to prohibit the interstate sale and transfer of monkeys, but they apparently didn't have enough time to listen to the large majority of Americans who support more U.S. energy production.

The new Fox News poll shows that 76 percent of Americans support immediate efforts to drill more in the United States in order to boost American energy production and help lower record prices. There's only one thing standing in the way of this Congress. If we are to be truly responsive, in addition to this fine bill that we are voting on today, ought we not also respond to the most immediate concern of Americans in every State, in every congressional district, and do something about the supply of American-made energy and lower gas prices.

The response is not, as my friend on the other side said, all we need to do is sue a little bit more. If we can have a few more people and a few more courts, and sue, that will somehow solve the problem. No. The answer is increase the supply of American-made energy and lower gas prices right now. That is what the American people are asking for.

So as I rise in support of the Responsive Government Act of 2008, I would hope we would have another Responsive Government Act, one that will be responsive to the concerns expressed by the American people.

With that, I would yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

We are in a spirit of bipartisanship and we are reaching out. Let's not nationalize the oil companies. We agreed on that. Let's go from shale to coal and let's go into all the alternatives. We are all for that. No suing. Drill, drill, drill. No sue, no sue, no sue.

Now we are getting down to the 41 million acres of leased oil, and he knew I was going to bring that up, that have been unused, and I don't know how to make those oil companies drill and find out if there's anything there or not. Maybe they don't want to know. Maybe they do want to know but they don't have the machinery or equipment.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield?

Mr. CONYERS. Maybe there's a technological problem that is beyond the understanding of we mere mortals on Judiciary.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield, as I yielded to him?

Mr. CONYERS. Yes. The gentlemen yielded to me, so I will yield to him.

Mr. DANIEL E. LUNGREN of California. I thank the chairman.

In response to the question, I am sure the gentleman may be aware of the fact that 52 percent of the exploratory wells that were drilled by American companies in America over the last 5 years were dry wells. So, in some cases, they have taken leases on land offshore, and that has proven not to be a successful well.

The problem is that those that have the greatest prospect for yielding real petroleum and natural gas have been prohibited by this Congress. As the gentleman may know, they pay for those leases. They continue to pay for those leases. I have not heard anybody on this floor accuse the oil companies of paying for something for nothing. They pay for those leases. There is a limit on the time that they can have those leases when they do not produce them.

So, in all cases, they have made judgments as to whether or not the leases they have are yielding leases, and in many cases, 52 percent, they have tried to find oil, and they haven't found it.

So I thank the gentleman for yielding. I appreciate his courtesy.

Mr. DELAHUNT. Would the chairman yield?

Mr. CONYERS. You know, we had a hearing on this subject. The oil execs of the five companies came before us. In the other body, three of them told us how much they made. As you know, they make the top profits of any executives in business, short of the pharmaceuticals, of course. I don't want to short them. We found out that two of them couldn't even remember how much they made.

Look; salaries, options, stock, bonus. Who knows what else. I hope my dear friend from California will join me on the letter that I am sending to the two, referring them to look up their accountant, because I know they paid their taxes on April 15, and just give us a ballpark figure of how much they made. If the gentleman will join me in this consideration, I'd be very grateful.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. I thank the Chair. It's seldom that my dear friend from California errs, but I would point out that the 41 million acres that the Chair of the committee alluded to is actually 41 million acres under water. According to the latest statistics, that represents some 80 percent of the proven reserves that are available in terms of offshore waters.

So I don't know where the gentleman gets his statistics, but I would think after we pass this Responsive Government Act, that we could sit down and work out some legislation that would rescind those leases that are currently being banked by leaseholders and the consequences of which are reducing the supply of oil and gas so that as the demand increases, naturally the price explodes.

We cannot afford to have given away our natural resources to major oil companies and have them sit on it and do absolutely nothing, because the gentleman is right, and he well knows it, that the American people are hurting.

□ 1545

There is legislation I know that the dean of the Massachusetts delegation, Congressman MARKEY, has either filed or is preparing to file, and I am sure that he would welcome my good friend the former Attorney General of California to be an original cosponsor.

Mr. CONYERS. Madam Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a leader in universal health care activities.

Mrs. CHRISTENSEN. Madam Speaker, I thank Chairman CONYERS for yielding, and I rise in support of H.R. 6344, the Responsive Government Act of 2008.

Before I speak to that bill, I also want to register my support for the previous bill, H. Res. 1293, which honors the memory of the three brave young men, Andrew Goodman, James Chaney and Michael Schwerner, who gave their lives to ensure that the right to vote would be guaranteed to every American. We thank them and their families for their service and their sacrifice.

Among its provisions, the Responsive Government Act of 2008 will make a minor but important amendment to the landmark Hatch-Waxman Act patent act of 1984. This act of 1984 has done much to make medicine available and more affordable for countless people in this country. Inadvertently though, in patent term restoration, there is an inflexible deadline provision which has the potential to limit the good that the act can do.

Within H.R. 6344 is a provision which will grant discretion to the Patent and Trademark Office to excuse minor filing errors as is the case with other patents. This will ensure that needed medication that treats sometimes life-threatening illnesses, like Angiomax and others, will be more readily available, while continuing to ensure patient protections.

This is an issue I have worked on as Chair of the Health Braintrust of the Congressional Black Caucus, and I am glad that it is on the floor for passage today. I applaud my colleague from Massachusetts, Mr. DELAHUNT, for his work on this bill, and the Chair and ranking member of the committee for their leadership, and I urge my colleagues to pass H.R. 6344.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 6344 the ''Responsive Government Act of 2008. This bill is important because it liberalizes the technical filing requirements in judicial proceedings in the event of a disaster or other emergency situation. The bill provides flexibility in both criminal and civil matters, including patents. I urge my colleagues to support this bill.

Hurricane Katrina was the costliest and one of the deadliest hurricanes in the history of the United States. It was the sixth-strongest Atlantic hurricane ever recorded and the third-strongest hurricane on record that made landfall in the United States. Katrina formed on August 23 during the 2005 Atlantic hurricane season and caused devastation along much of the north-central gulf coast of the United States. Most notable in media coverage were the catastrophic effects on the city of New Orleans, Louisiana, and in coastal Mississippi. Due to its sheer size, Katrina devastated the gulf coast as far as 100 miles from the storm's epicenter.

The images of the detriment and devastation remain deeply etched in my mind and much of the remnants of the tragedy still remain in those communities today. The storm surge caused severe and catastrophic damage along the gulf coast, devastating the cities of Bay St. Louis, Waveland, Biloxi/Gulfport in Mississippi, Mobile, Alabama, and Slidell, Louisiana and other towns in Louisiana. Levees separating Lake Pontchartrain and several canals from New Orleans were breached a few days after Hurricane Katrina had subsided, subsequently flooding 80 percent of the city and many areas of neighboring parishes for weeks. In addition, severe wind damage was reported well inland.

This commonsense bill recognizes that deadlines in judicial proceeding need to be relaxed when there are natural disasters and emergencies. I support the bill.

Specifically, the bill provides federal courts with needed emergency authority to toll or delay judicial proceedings in the event of a natural disaster or other emergency situation in which courts are closed, making it impracticable for parties, including the United States, to comply with certain filing deadlines.

Section 3 of the bill provides authority to the Director of the Patent and Trademark office to waive statutory provisions governing patents, trademark registrations and applications to the extent the Director deems necessary to protect the rights and privileges of people affected by certain emergencies or a major disaster.

The Responsive Government Act provides essential flexibility to the courts and the PTO to help ameliorate the practical difficulties caused by these emergency situations.

Finally, Section 4 provides the Director of the Patent and Trademark Office with the discretion to accept an application for a patent term extension filed not later than three days after the expiration of the 60-day period in Title 35 U.S.C. 156, provided the Director determines that the delay in filing the application was unintentional.

This provision, which corrects an anomaly in the patent law, will provide needed flexibility to the PTO to excuse minor filing errors and will promote important clinical research that can benefit the lives of seriously ill patients. This provision has the support of leading medical practitioners across the Nation.

This bill is common sense. It relaxes the technical filing requirements during times of disaster or emergency. Given the disaster and tough times that we have faced within the last 8 years, with disasters such as Hurricanes Rita and Katrina, and the tragic events of 9/11, Congress needs to have a sensible response to these events. Litigants and patentees should not be penalized because of force majeur and other events beyond their control.

Because this bill is sensible, responsible legislation, I urge my colleagues to support this bill.

Mr. CONYERS. Madam Speaker, I yield back any time we have remaining.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6344.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRE-DISASTER MITIGATION ACT OF 2008

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6109) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pre-Disaster Mitigation Act of 2008''.

SEC. 2. PRE-DISASTER HAZARD MITIGATION.

(a) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

''(f) ALLOCATION OF FUNDS.—

''(1) BASE AMOUNT.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

''(A) shall be not less than the lesser of—

''(i) $575,000; or

''(ii) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year; and

''(B) shall be subject to the criteria specified in subsection (g).

''(2) COMPETITIVE PROGRAM.—Other than the amounts described in paragraph (1), financial assistance made available to a State (including amounts made available to local governments of the State) under this section shall be awarded on a competitive basis subject to the criteria in subsection (g).

''(3) MAXIMUM AMOUNT.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year shall not exceed 15 percent of the total amount of funds appropriated to carry out this section for the fiscal year.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of such Act (42 U.S.C. 5133(m)) is amended to read as follows:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2009, 2010, and 2011.''.

(c) REFERENCES.—Section 203 of such Act (42 U.S.C. 5133) is amended—

(1) in the section heading by striking ''**PREDISASTER**'' and inserting ''**PRE-DISASTER**'';

(2) in the subsection heading for subsection (i) by striking ''PREDISASTER'' and inserting ''PRE-DISASTER'';

(3) by striking ''Predisaster'' each place it appears and inserting ''Pre-Disaster''; and

(4) by striking ''predisaster'' each place it appears and inserting ''pre-disaster''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 6109.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise and ask the House to support H.R. 6109, as amended, the Pre-Disaster Mitigation Act of 2008. I want to especially thank Chairman OBERSTAR and Ranking Member MICA, and my own subcommittee ranking member, Congressman GRAVES, for their very strong, bipartisan support of this essential bill.

H.R. 6109, the Pre-Disaster Mitigation Act of 2008, reauthorizes the Pre-Disaster Mitigation program for 3 years. The bill authorizes grants to States awarded on a competitive basis, except that each State, and this is important, each State receives a statutory minimum of $557,000 or 1 percent of the funds appropriated, whichever is less. In this way, the bill increases the minimum amount that each State can receive under the program from $500,000 to $575,000 and codifies the competitive selection process of the program, as currently administered by FEMA. The bill authorizes $250 million for each of fiscal years 2009 through 2011 for the Pre-Disaster Mitigation program.

The PDM program was first authorized in the Disaster Mitigation Act of 2000. The program, administered by FEMA through its Mitigation Division, is authorized under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which we call the Stafford Act, of course. Pursuant to section 203(m) of the Stafford Act, the PDM program terminates on September 30 of this year unless Congress reauthorizes the program.

This program provides cost-effective technical and financial assistance to State and local governments, which on the basis of a study of the effects of this quite new program, we now know reduces injuries, loss of life and damage to property caused by natural disasters. It provides grants to the States, territories, tribal governments and local communities on a competitive basis.

According to the CBO, on average future losses are reduced by about $3 measured in discounted present value for each $1 spent on these projects, including both Federal and non-Federal spending.

Madam Speaker, this is not a program which we have lightly authorized. We learned some lessons from Katrina. We have learned lessons, I believe, Madam Speaker, this week when entire sections of our country are being ravaged by flooding.

This amount of money we do not pretend will allow pre-disaster programs to be undertaken for every event that can be expected. What it does do is to draw to the attention of local and State governments to what they and what we should be doing to reduce our own liability from particularly these natural disasters.

Whenever a disaster occurs, Madam Speaker, this Congress will do what it must do. It will step up and do what we are doing in Louisiana. We do not pretend that the worst disaster in recorded United States history could have somehow been even perhaps mitigated by these funds, but we do believe that Katrina tells the story that every bit of mitigation you do, $3 for every $1 invested, says CBO, saves, first of all, lives, and then, of course, saves the investment that we ourselves will be required to make, and as Americans, we can say will make, in the event of a disaster.

We all owe it to the country and to our local jurisdictions to use this money strategically and wisely so that it has the greatest effect, given the amount available.

I reserve the balance of my time.

Mrs. DRAKE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 6109, which reauthorizes the successful Pre-Disaster Mitigation program for the next 3 years. The Pre-Disaster Mitigation program was originally authorized by the Disaster Mitigation Act of 2000 as a pilot program to study the effectiveness of mitigation grants given to communities before disaster strikes. Prior to the creation of the Pre-Disaster Mitigation program, hazard mitigation primarily occurred after a disaster through FEMA's Hazard Mitigation Grant Program. Every disaster costs us in damage to homes, businesses and infrastructure, and potentially in the loss of lives.

The Pre-Disaster Mitigation program prevents damage and destruction by helping communities to act proactively through projects that reduce the cost and limit the adverse impacts of future disasters.

With FEMA's assistance, local governments identify cost-effective mitigation projects, which are awarded on a competitive basis. Since its inception, mitigation programs have helped local communities save lives and reduce property damage through a wide range of mitigation projects, such as home elevations, buyouts, improved shelters and warning systems.