

Gary Henry was one of Indianapolis' great public servants, and his passion was visible in every aspect of his life. He joined the Indiana National Guard in 1991 while he was a student at Whiteland High School. Gary retired from the Guard 12 years ago, but rejoined in 2007, hearing once again the call to national service. A 12-year veteran of the Indianapolis Fire Department, Gary was known to his peers as a team player, a dependable and upstanding leader who could be counted on during hard times. He served as a captain and coordinator of special operations, head of the crisis response team, a paramedic, and a Marion County Deputy.

While we struggle to express our sorrow over this loss, we can take pride in the extraordinary example Gary set. Today and always, Gary will be remembered by family, friends, and fellow Hoosiers as a true American hero, and we cherish the sacrifice he made while dutifully serving his country.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Gary's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Gary M. Henry in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this struggle in which we are engaged, and the immeasurable pain that comes with so great a loss, I pray that Gary's family can find comfort in the words of the prophet Isaiah who said:

He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Gary.

SPECIALIST JONATHAN D. MENKE

Further, Mr. President, I rise today with a heavy heart to honor the life of SPC Jonathan D. Menke from Madison, IN. Jon was 22 years old when he lost his life on August 4, 2008, in Baghdad, Iraq, from injuries sustained from a roadside bomb that detonated near his vehicle. He was a member of the 38th Military Police Company, 38th Infantry Division, Army National Guard in Danville, IN.

Today, I join Jonathan's family and friends in mourning his death. Jonathan will forever be remembered as a loving son, brother, friend and soldier. He is survived by his mother, Debbie

Kay Estes Sizemore; his father and stepmother, Daniel and Paula Menke; his sisters, Kristen Pearson and Nichole Menke; and his brother, Matthew Eversole. Jon was preceded in death by his brother, Shane Pearson.

A lifelong Hoosier, Jon was born in Columbus, IN, and raised in Madison. A 2005 graduate of Madison Consolidated High School, Jon was a successful student with many talents. He was a member of the football and track teams, qualifying for a regional meet as a member of the 400-meter relay team. He was on the honor roll, was awarded for his art skills in sculpture, and had leading roles in school plays. A natural artist, Jon also played guitar and banjo.

In March of 2004, Jon answered the call to serve his country and joined the Indiana National Guard. He graduated from basic training at Fort Leonard Wood in 2005. Returning to his education, Jon attended Indiana University-Purdue University Indianapolis and Ivy Tech in Indianapolis. In February of 2008, Jon was called to active duty and deployed to Kuwait and later to East Baghdad, his last assignment. Jon was an exemplary soldier. For his outstanding service and sacrifice, Jon was awarded the Bronze Star Medal, the Purple Heart, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal with Bronze Service Star, Global War On Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon and the Combat Action Badge.

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#### REAUTHORIZATION OF THE ANIMAL DRUG USER FEE ACT, H.R. 6432

Mr. ENZI. Mr. President, I rise today in support of H.R. 6432, a bill that reauthorizes the Animal Drug User Fee Act, or ADUFA, and create a new user fee for the approval of generic animal drugs. This bill also addresses the use of antibiotics in animals, and technical corrections to last year's Food and Drug Administration Amendments Act.

Like human drugs, animal drugs must be shown to be safe and effective before they can be marketed. An animal drug can take 7 to 10 years to develop, at a cost of \$100 million or more. ADUFA supports the review of animal drugs by authorizing FDA to collect fees for animal drug applications, and for the establishments, products, and sponsors associated with these products.

This program is similar to the user fee programs for human drugs and medical devices which we renewed last year. Like those programs, ADUFA expires October 1. If we do not act on this bill, 60 valuable FDA employees could be laid off. Even if we simply delay renewal of this program, those employees will receive a "reduction in force," or RIF notice, indicating they might be let go. Many will make that possibility a reality, and leave the agency, taking their talent with them.

ADUFA has been a success. The program has eliminated the review backlog for new animal drugs, improved the timeliness and predictability of reviews, and improved communication between companies and the FDA throughout the process. The renewal of this program will continue to enhance FDA review capacity, including more support for increasingly complex reviews. Also, there is a growing backlog of premarket inspections of foreign animal drug producing facilities, which is a very timely issue. The renewal of ADUFA would better prioritize those inspections, and eliminate the backlog, helping to keep our animal drug supply safe.

The renewal of this important animal health program would nearly double funding levels to \$98 million over 5 years. I want to be clear that the renewal of this program does not speed up the review of new animal drugs. It holds FDA to the same performance goals for review times—it just keeps review times from getting slower.

The bill we are considering today contains another important advance for animal drugs. Under the Food, Drug and Cosmetic Act, FDA is required to review and act on generic animal drug applications within 180 days. Unfortunately, in fiscal year 2007, the average review time for generic animal drug applications was 570 days, and there was a backlog of 446 of these submissions. Without Congressional action,

the proposed target for action in fiscal year 2009 is 700 days—nearly 2 years. This is an untenable position.

We all know that FDA is seriously underfunded. Like many of you, I would prefer that appropriations be used to fund the agency's activities. But that is simply not in the offing. An appropriated dollar is better than a user fee dollar, but a user fee dollar is better than no dollar at all. The Animal Generic Drug User Fee Act under consideration today would create a new program to fund the reviews of animal generic drugs. This program will lead to progressive improvements in performance, with the time for review and action on submissions decreasing each year.

If we do not proceed with this initiative, our farmers, ranchers, veterinarians and pet owners like you and me will not be able to capture the savings that result from generic animal drug use. I want to point out that even with the creation of this new user fee, the performance goals do not return animal generic drug review times to the statutory requirement of 180 days. By fiscal year 2013, the fifth year of the program, the proposed review target is 270 days. Once again, the best we can do is to keep things from getting much worse as quickly.

The bill before us today also includes a section expanding and streamlining the reporting of the amount of antibiotics that are used to treat animals that are sold annually and the label information about those antibiotics. This reporting language is a carefully crafted compromise between the farmer, rancher and veterinarian communities on one side and those who think the FDA has inadequate information to assess the potential public health impact of antibiotic use on the other. I appreciate the House Members and staff and outside groups who worked together to achieve this agreement.

Finally, this bill contains just two of several changes necessary to properly implement the Food and Drug Administration Amendments Act of 2007. As with any large piece of legislation, there are some technical corrections necessary to fix inadvertent errors in the law.

These technical corrections are critical to ensuring that key drug safety and transparency provisions in the bill work as intended. I am disappointed that we could not complete agreement on a package in time to attach the package to ADUFA. I am even more discouraged that the House chose to cherry-pick just the technical corrections they wanted and attach those instead.

But given the approaching deadline for renewing ADUFA, we cannot afford to hold this important program hostage to unrelated provisions. I intend to continue pressing for passage of a full package of technical corrections. I appreciate Chairman DINGELL's commitment to continuing to meet and work on this, and I look forward to pre-

paring a full package of technical corrections that can be accepted by both Houses and go into effect.

I thank my colleagues for their hard work on these proposals. We have some work still ahead of us, but the bill before us today contains much that is good. I strongly urge my colleagues to support final passage.

#### NAMING OF U.S. COURTHOUSE IN RICHMOND, VA

Mr. WARNER. Mr. President, I rise today to speak on S. 2403, a bill to name the new United States courthouse in Richmond, VA, for two distinguished jurists and sons of VA.

Senator WEBB and I introduced this bill together last year, and the bill passed the Senate on June 24, 2008. The House of Representatives is expected to pass this bill tonight, with a minor technical change. It is my hope that the Senate will accept this minor modification and pass this bill when the legislation returns to the Senate tonight or early tomorrow.

Our bill will recognize two of Virginia's outstanding jurists: Spottswood Robinson III and Robert Merhige, Jr. They were lawyers who throughout their careers adhered to the principle of "equal justice under law."

The first, Spottswood William Robinson, III, was born in Richmond, VA, on July 26, 1916. He attended Virginia Union University and then the Howard University School of Law, graduating first in his class in 1939 and serving as a member of the faculty until 1947.

Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960, achieving national prominence in the legal community with his representation of the Virginia plaintiffs in the 1954 U.S. Supreme Court case *Brown v. Board of Education*. *Brown* outlawed public school segregation declaring "separate but equal" schools unconstitutional.

In 1964, Judge Robinson became the first African American to be appointed to the U.S. District Court for the District of Columbia and, in 1966, President Johnson appointed Judge Robinson the first African American to the United States Court of Appeals for the District of Columbia Circuit. Finally, on May 7, 1981, Judge Robinson became the first African American to serve as chief judge of the District of Columbia Circuit.

Our second jurist, Judge Robert R. Merhige, Jr., was born in 1919 and later attended High Point College in North Carolina. He subsequently earned his law degree from the T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942.

From 1942 to 1945, Judge Merhige served in the U.S. Air Force, he practiced law in Richmond from 1945 to 1967, establishing himself as a formidable trial lawyer representing criminal defendants as well as dozens of insurance companies.

On August 30, 1967, Judge Merhige was appointed U.S. District Court Judge for the Eastern District of Virginia, Richmond Division by President Lyndon B. Johnson, serving as a Federal judge until 1998. In 1972, Judge Merhige ordered the desegregation of dozens of Virginia school districts. He considered himself to be a "strict constructionist" who went by the law as spelled out in precedents by the higher courts. In 1970, he ordered the University of Virginia to admit women. As evidence of Judge Merhige's groundbreaking decisions, he was given 24-hour protection by Federal marshals due to repeated threats of violence against him and his family. His courage in the face of significant opposition of the times is a testimony to his dedication to the rule of law.

As my colleagues may be aware, I have worked to name the new courthouse in Richmond for these two men for several years. I am proud that the Virginia Congressional delegation, the Virginia Bar Association, the mayor of Richmond, and many others decided that the best way to honor both men was to have them equally share the honor of having the courthouse so named.

With the ribbon cutting for this grand facility tentatively set for October 17 of this year, I can think of no better time than now to move this legislation in honor of Spottswood Robinson and Robert Merhige. I thank the committee for the consideration of this bill and look forward to working with my colleagues in seeking its passage.

#### COMMENDING OLYMPIAN SHAWN MACHEL JOHNSON

Mr. HARKIN. Mr. President, today I honor an Iowan who has shown tremendous strength of spirit, as well as a fierce determination and world-class talent. Olympic gymnast Shawn Machel Johnson has been and continues to be a model of character and fitness, as well as a source of inspiration for all Americans.

Shawn recently returned from Beijing, where she made us all very proud, competing in the 2008 Olympics and winning one gold and three silver medals. The gold medal was for her performance in the balance beam finals, while the silver medals were for the team competition, the women's all-around, and the floor individual finals.

Since Johnson was 3 years old, she has exhibited a love for gymnastics, and received constant support and encouragement from her parents Teri and Doug Johnson, and coaches Liang Qiao and Liwen Zhuang. She is greatly admired and respected by her fellow gymnasts at Chow's Gymnastics and Dance in West Des Moines, where she has been training since she joined the facility at age 6. Her training and her strong commitment to the sport have propelled her to success in the series of competitions that led her to the Beijing Summer Olympics.