

House of Representatives during the 53rd and 54th Legislature representing Cleburn and Johnson counties. Throughout his life, he was active with Texas A&M University and served on the Board of Directors of the Association of Former Students.

Madam Speaker, I am so privileged to be able to bring the life of Charles Kirkham to the attention of this Congress. He was a man of great character and deep personal conviction, and he will be truly missed. I ask my fellow colleagues to join me today in honoring the life of this great man who led a noble life and gave wholeheartedly to his community.

HONORING JOHN WILLIAM
"BLIND" BOONE

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize the late John William "Blind" Boone, famed ragtime musician and a proud son of Missouri. It is my honor and privilege to participate in the celebration and observance of Boone's birthday, Monday, May 17, 2010. I would also like to recognize the members of the John William "Blind" Boone Heritage Foundation, who plan to restore and preserve the home where "Blind" Boone lived in Columbia, Missouri, coinciding with his birthday.

John William Boone was born on May 17, 1864, in the midst of the Civil War. Soon after his birth, he was diagnosed with a life-threatening illness that doctors referred to as a "brain fever." Doctors believed the only chance for survival would come through a radical operation that would end the brain swelling; they would have to remove his eyes.

The procedure was a success and would alter the course of his life. Boone faced much adversity but soldiered through. His musical talents were noticed early on, and he would later become one of the legendary musicians of his era, with a classical repertoire, which included folk music, religious songs and, most famously, ragtime. In 1912, he was contacted by the QRS Piano Roll Company and became one of the first African American artists to cut piano rolls.

Music allowed Boone to cross many racial boundaries and brought him all over the world, bringing diverse audiences together. Boone enjoyed an illustrious career and spent the remainder of his life in Columbia, Missouri.

In closing, Madam Speaker, I ask all my colleagues to join me in acknowledging John William "Blind" Boone and his contributions to the arts.

COLONEL ANTHONY C.
FUNKHOUSER

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. COLE. Madam Speaker, I rise today to honor a great public servant, the outgoing Army Corps of Engineers Commander and Division Engineer for the Southwestern Division, Colonel Anthony C. Funkhouser.

Colonel Funkhouser began his public service at West Point, New York where he earned a Bachelor of Science degree in Civil Engineering at the United States Military Academy. During his 25 years of distinguished service as an engineer he has had the opportunity to serve in theater during Desert Shield/Desert Storm and Operation Iraqi Freedom as well as serving at numerous installations including Eschborn, Germany; Fort Hood, Texas; Fort Leonard Wood, Missouri; and Fort Irwin, California. He has served as the Tulsa District's Commander since 2007 and in 2009, while retaining the Tulsa Command, was promoted to Commander and Division Engineer of the Southwestern Division.

Madam Speaker, his outstanding service and bravery has earned him the Bronze Star Medal with "V" Device, the Combat Action Badge, Marine Corps Expeditionary Medal, Army Achievement Medal with five oak leaf clusters, National Defense Service Medal, Terrorism Expeditionary and Service Medals, Southwest Asia Service Medal, Military Outstanding Volunteer Medal, Meritorious Service Medal with five oak leaf clusters, and Saudi Arabian and Kuwaiti Liberation medals.

During Colonel Funkhouser's service as Commander of the U.S. Army Engineer Division's Tulsa District beginning in June 2007, he has shown tremendous leadership, professionalism, and adaptability. He has performed his duty in such a way as to earn great respect from his colleagues. Immediately at the conclusion of his change of command ceremony on June 29th, he was challenged to address historic flooding issues at Lake Texoma and Lake Waurika. In the past three years of Colonel Funkhouser's service at the Tulsa District, he has addressed infrastructure needs and shown that his skills lie not only in engineering but working well with all of the diverse groups that rely upon his leadership and judgment.

Madam Speaker, it is a great honor to recognize Colonel Anthony Funkhouser for his dedication to the United States Army. We are a better and stronger nation because of his service.

RECOGNIZING DEPUTY CHIEF OF
STAFF MARVIN "MAC" KING

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. ORTIZ. Madam Speaker, I rise today to recognize the service and dedication of my Deputy Chief of Staff, Marvin "Mac" King, who has been on my staff for many years and leaves his work on Capitol Hill to join his wife, Col. Barbara King, a doctor of dental surgery with the Air Force specializing in prosthetic dentistry, in Okinawa, Japan.

Mac first came to my office as an intern in the early 90s after obtaining his law degree. During the time of his internship in my office, Mac excelled in all tasks assigned to him. I knew he would be a valuable and important asset to the Ortiz Team.

Mac, a graduate of Texas A&M University with a bachelor's degree in petroleum engineering and a juris doctor degree from the University of Arkansas in Little Rock, has worked as a reservoir engineer with the Nat-

ural Gas Pipeline of America in Houston, Texas, and has served as president and technical manager of Losack Inc. in San Antonio, Texas. He has also served as acting counsel in the House of Representatives for the House Subcommittee on Oceanography, the Gulf of Mexico, and the Outer Continental Shelf and as a consulting engineer for Research Management Consultants Inc.

Shortly after the conclusion of his internship, Mac became a full-time employee in my Washington, DC, office where he served as legislative director and counsel from 1995 to 2002. I never doubted Mac's skills and in 2002 I named him deputy chief of staff and he continued to serve as my counsel. At that time, Mac oversaw a staff of ten to sixteen employees in my offices in Washington, DC, Corpus Christi and Brownsville, Texas.

Mac became so good at what he did—he was the "go-to" person in our office. Through the years, I saw Mac grow from an intern to an aggressive and well-rounded legislative guru who knew the ins and outs of Congress.

In 2006, Mac left the House of Representatives to work as deputy director for strategic communications with the Joint Improvised Explosive Device Defeat Organization.

However, it was too early for Mac to leave Congress, or that's how I like to think of it. In 2009, after more than three years of being out of the Halls of Congress, Mac returned to my office as legislative director and counsel. Within months Mac was appointed deputy chief of staff, a position he will hold until Friday, May 21, 2010.

Mac leaves the Ortiz Team to go live in Okinawa, Japan, with his lovely wife, Barbara. I take this time to thank Mac for his invaluable and relentless work and service for the 27th District of Texas.

I ask my colleagues to join me in honoring the work and service of Mac for his more than 12 years of employment in the House of Representatives. On behalf of the people of the United States of America, I extend a warm and heartfelt thank you to Marvin "Mac" King for all he has done to better the 27th District of Texas and this great country.

INTRODUCTION OF PATENT AND
TRADEMARK OFFICE FUNDING
STABILIZATION ACT OF 2010

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. CONYERS. Madam Speaker, today we seek to do the right thing for our nation's inventors and innovative businesses—provide the United States Patent and Trademark Office, USPTO, with the resources for reliable and sustainable funding. This bill does this by giving the USPTO fee-setting authority, providing the USPTO with the authority to impose a 15 percent temporary surcharge for all of the USPTO's fees, and preventing fees that the USPTO collects from being diverted away from the agency for unrelated government programs. I strongly support this bill because it would help the USPTO hire additional examiners, help reduce the backlog of patent applications, and improve patent quality.

The USPTO is in the midst of a crisis. According to the Commerce Department's own

figures, the number of unexamined patents has ballooned to over 750,000. Moreover, the pendency time for a final disposition is 35 months—not counting appeals. Yet, despite it taking longer for the USPTO to do examination, many experts believe that the quality of patents has actually declined in recent years. Increased backlogs and poor patent quality affect not only the agency, they hurt American innovation, and delay our economic and jobs recovery.

While I support the current patent reform negotiations between the House and Senate, this bill will help to immediately begin to address the fiscal problems of the USPTO. I am still fully supportive of a larger patent reform effort and look forward to working with our Senate colleagues to bridge the gaps between the current House and Senate versions of reform. We are working with the Senate and have been engaged in discussions to make changes to their bill to improve patent quality and decrease the backlog. We want to continue to work with the Senate on the patent reform bill to get the best proposal. Our members in the House and their staffs have been working to resolve the differences between the House and Senate bills to address the needs of the innovation community. We remain open and willing to have a continuing dialogue with our colleagues in the Senate.

The USPTO does not take money from taxpayers. It is fully funded by user fees and generates revenues from those fees. Unfortunately, fees have been diverted to other uses, and this has made it difficult for the USPTO to hire and retain qualified examiners and address patent backlog issues.

Acknowledging these challenges, the USPTO has developed a number of initiatives to address its backlog and quality issues. These initiatives include giving patent examiners more time to do a quality examination of patent applications, targeted hiring of experienced professionals to become patent examiners, restructuring the incentives framework for examiners, and upgrading and improving the agency's information technology resources.

Together, these initiatives are expected to substantially improve quality and lower the backlog. However, these programs cannot be achieved without adequate funding, which the USPTO currently does not have.

Most of the fees the USPTO currently collects are statutorily set, and the fees are collected by the USPTO and deposited in the federal treasury. According to the Intellectual Properties Owners Association, IPO, \$737 million in fees collected between 1991 and 2004 were never transferred back to the USPTO and instead remained in the general treasury fund for purposes unrelated to intellectual property. As an agency within the Department of Commerce, the USPTO is subject to the appropriations process and collected fees must be transferred back to the USPTO through a yearly appropriation.

It is time for Congress to stop the bleeding and step in. I have worked in a bipartisan manner in the past to solve the problem of fee diversion. The USPTO's problems are not out there on Wall Street or in the Gulf of Mexico, they are right here on our doorstep. People lose jobs when technology does not make it to the market. These are problems that are in our power to fix, and that we must fix, and that can be traced directly to the current fee struc-

ture which is cumbersome, reactionary, and at times arbitrary.

This bill requires the USPTO to consult with its stakeholder Public Advisory Committees before publishing a proposed fee change. It also requires a 45-day public comment period. And, to ensure continued close congressional oversight, it also includes a separate 45-day congressional comment period before fee changes can be implemented. Lastly, the bill will sunset this new authority in 10 years, giving Congress an opportunity to evaluate how well this grant of authority worked and whether it should be continued.

The anti-diversion and 15 percent surcharge language in the bill will help the Patent and Trademark Office address its pressing short-term budgetary needs. The provisions in this bill will go a long way to correct the USPTO's fiscal and infrastructure problems. Without stability the USPTO cannot hire examiners, upgrade IT systems, or institute important operational initiatives that are critical to the PTO's vitality. To remain strong in the increasingly competitive global market, the U.S. must have an efficient and effective patent office. This bill is one step to ensure the U.S. remains a technological leader now and going forward into the future.

Under the current system, fees often do not correspond to the realities of the USPTO's operations or needs. For example, under the current structure, patent applicants pay only about one-third of the costs associated with examination, regardless of whether the patent is granted. Fees are thus out of alignment in terms of what applicants pay and what they cost the office. Not only is this arguably not fair to successful patentees, it is inefficient.

Back-end fees are notoriously hard to predict, especially in an economic downturn. Thus, the agency gets stuck with budgets that do not correspond to its front-end services. The result is that the USPTO's hands are tied, and the agency cannot pursue much-needed modernization and improvements. Accordingly, pendency and quality worsen.

For those who wish to wait for a more comprehensive patent reform bill, I say this: we cannot afford to wait. The provisions of this bill are necessary to make sure that the USPTO has adequate funding, and we recognize the hurdles that lie ahead as we advance these provisions. We plan to work with the Appropriations Committee and the Congressional Budget Office to address any concerns they may have with this legislation. Without action USPTO fees are likely to be diverted, and we must pass this bill to correct this problem that has been going on for far too long. Nothing is more critical to the health of the USPTO than to have the sort of long-term budget stability that this bill will provide.

TRIBUTE TO HAYWOOD HILLYER III, LOUISIANA REPUBLICAN PARTY PIONEER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. BONNER. Madam Speaker, it is with great sadness that I rise to note the recent quieting of a beloved and tireless conservative voice in Louisiana, Mr. Haywood H. Hillyer III.

Mr. Hillyer was a passionate public servant and a man of action. He was a Republican in Louisiana when Republicans were as rare in that state as a July snowfall. His dedication to conservative principles and his boundless enthusiasm played a pivotal role in transforming the Republican Party into a viable political force in Louisiana.

While in college, Haywood Hillyer was among a group of students who interacted with conservative icon William F. Buckley, Jr. His passion for ideas led him to found and edit a conservative college newspaper, *The Liberator*.

When Mr. Hillyer helped take on the monumental task of growing the Republican Party in the Pelican State, there were a mere 10,000 followers statewide. Today, there are over 750,000 Republicans in Louisiana. Haywood Hillyer served on the Republican State Central Committee of Louisiana for 25 years, and ran for governor.

Mr. Hillyer was also a great patron of New Orleans jazz music, and was featured as a commentator in several jazz documentaries, recalling listening to local jazz pioneers in their youth, and he continued to support local jazz organizations throughout the rest of his life.

Haywood Hillyer graduated from Tulane University and Tulane Law School. He served as an attorney for many years for what is now the Milling Benson Woodward law firm. Haywood was elected to several positions within the Louisiana State Bar Association and the Federal Bar Association. He was also an amateur sailor and racer, and a civic leader.

On behalf of conservatives throughout the country, I wish to pay tribute to Mr. Hillyer for his distinguished leadership and exemplary life. Mr. Hillyer is survived by two sons, Haywood Hillyer IV and Richard Quin Hillyer; a stepson, Tyler Wood Duncan; and a stepdaughter, Halley Randolph Rash, as well as countless other friends and family.

They are all in our thoughts and prayers at this difficult time.

TRIBUTE TO MR. WALDESTRUDIS "WALTER" TORRES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. SERRANO. Madam Speaker, I rise today to offer tribute to Mr. Waldestrudis "Walter" Torres, a Puerto Rican Vietnam War hero from my district who recently passed away at the age of 62. Walter was a brave and committed man. He honored himself and his country on the battlefields of Vietnam before returning home to lead a quiet life of civil service. He spent nearly four decades in service to others, as both soldier and civilian.

Walter was born in Coamo, Puerto Rico, on April 10, 1947. In 1967, at the age of 20, Walter joined the U.S. Marine Corps and was soon sent to Vietnam. Like so many of the more than 48,000 Puerto Ricans who served during Vietnam, Walter distinguished himself in combat. For courage and bravery, Walter received the Battle Star Medal, the National Defense Medal, the Vietnam Campaign Medal and the Vietnam Services Medal with Three Stars.

After leaving the service, Walter was gainfully employed and hardworking his entire life.