

At Nationwide Children's Hospital, NIH funding makes possible important clinical trials of viral therapy for solid cancer tumors in children, testing of new agents against childhood tumors, research to prevent and treat infant prematurity, and the furthering of understanding of the mechanisms of autism prevention.

In fact, the Research Institute at Nationwide Children's Hospital is ranked 6th for NIH funding among free-standing children's hospitals in the United States.

Hyper Tech Research, Bertec Corporation, Battelle, and BioOhio—all of these outstanding companies in the third congressional district of Ohio benefit from NIH research funding for biotechnology, drug development, medical devices, and health care.

But, just as NIH dollars that flow to Ohio help grow the state's economy, a reduction in those dollars have hurt us.

On March 1, 2013 sequestration required NIH to cut 5 percent—\$1.55 billion—of its fiscal year 2013 budget.

These drastic cuts affected all NIH programs, projects, and activities—every single area of medical research was negatively affected.

NIH now has approximately 700 fewer competitive research grants.

They now have approximately 750 fewer new patients in their clinical center.

The development of more effective cancer drugs is being delayed.

Research on a universal flu vaccine is being delayed.

Research on prevention of debilitating chronic conditions is being delayed.

These delays are proof that sequestration has significantly undermined medical progress across all disciplines of research on the full spectrum of diseases and conditions.

We cannot continue to compromise our nation's future economic growth and security by blindly cutting federal investment in areas that are critical to our nation's ability to innovate and compete in the global economy.

As much as half of U.S. economic growth since World War II is a result of technological innovation, much of which resulted directly from federally-funded scientific research.

The private sector, which requires rapid returns in investment, relies on the federal government to fund basic scientific research.

Sustained support for federal research, education, and student aid programs pay dividends by building human, scientific and technological capital for our nation.

We cannot afford to let the United States fall behind other countries, such as China, in such important areas as scientific research and innovation.

Our government must show a clear commitment to sustained funding of scientific research across the disciplines so that our nation can compete globally and we can build a better America for future generations.

Sequestration is not the answer to our nation's fiscal problems.

I urge my colleagues to oppose further cuts to nondefense discretionary programs.

The point of fiscal responsibility is to invest in these critical federal programs in order to provide a better life for all Americans, especially our children who are our future researchers and inventors.

Sustained investments in NIH are essential so that our nation can train the next genera-

tion to make tomorrow's health discoveries and to continue America's scientific leadership.

The work done by NIH helps grow our economy, improve our health, and has made our nation stronger and more secure.

We should not weaken them.

IN HONOR OF MR. LARRY HORTON'S RETIREMENT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 11, 2013

Ms. MATSUI. Mr. Speaker, I rise today in recognition of Larry Horton, Senior Associate Vice President and Director of Government and Community Relations at Stanford University, as he celebrates his retirement from a long and distinguished career. I ask my colleagues to join me in honoring this individual who has contributed so much to Stanford University.

Mr. Horton joined Stanford University in 1970, and has served in a number of positions including Assistant and Associate Dean of Student Affairs, Associate Director of Government Relations, and Associate Vice President for Public Affairs. In addition, from 1976 to 1977, he participated in the President's Executive Exchange Program in Washington, where he served as an assistant to the Secretary of Health and Human Services. His achievements at Stanford include the 2000 Community Plan/General Use Permit, the Mayfield Development Agreement and the conclusion of the Trails Agreement with Santa Clara County.

A true Cardinal, Mr. Horton earned both his B.A. in political science, and his M.A. in history, from Stanford. Following graduation, he served our country in the U.S. Army, with two years in Western Europe during the Vietnam War era. Through his years at Stanford, he has seen history unfold on the campus, and helped to shape Stanford's policies in areas vital to the University's success, including housing for women and minorities, federal patent legislation, federal research-funding policy, federal immigration and national security issues, and significantly, land use issues.

At Stanford's 2013 commencement, Mr. Horton was honored with the Kenneth M. Cuthbertson Award For Exceptional Service to Stanford University. This award was truly deserved, and Mr. Horton will leave Stanford University for the better from his 54 years of service to the school. Following his retirement, Larry will certainly maintain a busy schedule pursuing his passions of opera and theater, golf, travel, and enjoying a good book.

Mr. Speaker, I am honored to recognize the numerous contributions made by Mr. Larry Horton during his tenure at Stanford University. As Mr. Horton, family, friends, and colleagues celebrate his retirement, I ask my colleagues to join me in thanking and recognizing him for his many years of service.

A TRIBUTE TO THE FISHER HOUSE: A HOME AWAY FROM HOME, FOR AMERICA'S HEROES AND THEIR FAMILIES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 11, 2013

Mr. SESSIONS. Mr. Speaker, I rise today in this Christmas Season of giving to recognize The Fisher House, an organization that has built sixty-two homes for our wounded warriors and their families. The Fisher House is a place of recovery where families can be reunited with their loved ones as they fight the battle to overcome the scars of war. As a home away from home, The Fisher House provides safe haven and helps relieve the financial hardships that families relocating to be with their wounded loved ones face. The Fisher House Program was founded in 1990 by Zachary and Elizabeth Fisher in Rockville, Maryland. They are located at major military and VA medical centers nationwide. Kenneth Fisher is currently carrying on his Uncle Zach's legacy as acting Chairman. I submit this poem penned by Albert Carey Caswell in their honor.

FISHER HOUSE—BECAUSE A FAMILY'S LOVE IS GOOD MEDICINE

A . . .
 A Home . . .
 A Home Away . . .
 A Home Away From . . .
 A Home Away From Home!
 And when our heroes come back home . . .
 From war and battlefields of honor bright to
 which they belong.
 Back from that most dreaded cost of war
 . . .
 all in such pain and heartache to endure
 . . .
 As such a battle up ahead them so lies before,
 for all these families in this new war!
 Broken all in such places.
 With scars upon their faces . . .
 With arms and legs missing in all places . . .
 With operation after operation,
 as this they so face this!
 As they can not so be alone . . .
 For they so need a place of refuse where they
 can get strong . . .
 A place that they can call Home!
 A Home Away From Home,
 where they can all belong!
 Can grow!
 A place where healing is so strong!
 A place where their loved ones can hold them
 tight . . .
 and encourage them both day and night!
 A place to ready them for this new battle,
 this new fight!
 A place of refuse and of rest!
 A place where they can but be their best!
 A place that which helps their fine heart's
 crest!
 A place which brings them to recovery and
 nothing less!
 A place where they so all belong!
 So they know that they are not alone!
 A Home Away From Home!
 Just like a love song!
 Because all of these families come from afar!
 As they put their own lives on hold . . .
 because that's who they are!
 Such quiet heroes one and all,
 who so shine like the stars!
 Because they make their loved ones who
 they are!
 All In This Home Away From Home from
 afar!

The Fisher House is the Home of America's Greatest of All Stars!
So that in the morning they can awake . . . With but smiles upon their face!
Where their children can but so have a place!
Where they can be kids as all around they so race!
Which feels more like home with each new day!
Where at the dinner table they can all say grace!
A safe haven . . .
a sanctuary which in the quiet of the night brings tears to their face!
To let them Heal!
To let them find The Grace!
Where their courage grows at such an enormous pace!
Where family Birthdays . . .
Christmas . . .
Thanksgiving and Holidays they celebrate!
And talk about their first new steps so great!
As they wipe away all those tears from their face!
All in This Home Away From Home,
this so very special healing place!
Until that moment,
that one fine day
when it's time to leave this Home Away From Home!
And finally,
they can all go back to their Home's to so stay!
As they will never forget this place!
Bless this home!

RECOGNIZING THE 50TH ANNIVERSARY OF SPRINGFIELD CHAPTER 893 OF THE NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES

HON. GERALD E. CONNOLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 11, 2013

Mr. CONNOLY. Mr. Speaker, I rise to commemorate the 50th Anniversary of Chapter 893 of the National Association of Active and Retired Federal Employees (NARFE), based in Springfield, Virginia.

Founded in 1921, NARFE is a nonpartisan organization dedicated to protecting and enhancing the earned pay, retirement, and health care benefits of federal employees and retirees as well as their spouses and survivors. Springfield Chapter 893 is one of more than 1600 NARFE chapters nationwide.

The Charter for Chapter 893 was issued December 31, 1963. At that time, there were 14 members. Today, the Chapter membership has grown to become the largest of the 59 chapters in Virginia, with nearly 1,400 voting members. Chapter members have had a strong voice in many national and local legislative issues affecting Federal retirees, senior citizens and the public at large.

While Chapter 893 has always emphasized fulfilling the primary NARFE mission, its members have also made invaluable contributions to our Northern Virginia community. Chapter 893 members have volunteered countless hours at hospitals and libraries, and they have worked with local non-profit organizations to support blood drives and Meals on Wheels programs. Since 1987, members have contributed generously to Alzheimer's Research, the charity of choice for NARFE nationwide. In 1992, members first participated in the local area Alzheimer's Memory Walk, which has

raised approximately \$1,000 annually for several years. In 2009, members began participating in the collection of warm clothing items for homeless veterans for the Washington, DC, Veterans Administration Medical Center. That same year, the Chapter began supporting the National Association of Letter Carriers "Stamp Out Hunger" program.

Over the course of its successful history, the Springfield Chapter has benefited from many dynamic, accomplished leaders. Several past presidents have been elected as officers or appointed committee chairs of the NARFE Virginia Federation of Chapters. Others have served in civic, professional, or fraternal organizations locally. Particularly noteworthy are the accomplishments of past presidents Milton Kramer, Vincent Agnelli, David Sullivan, Charles Delaplane, and Ann M. Collins. Past President Kramer played a major role in organizing the Northern Virginia Caucus of Chapters in 1993. Past President Agnelli served on an ad hoc committee influential in the 1993 Virginia Supreme Court Federal retiree tax refund issue. Past President Sullivan served on the Board of the Virginia Federation of Chapters (VFC) for several years and subsequently was elected NARFE National Secretary in 2000 and again in 2002. Past President Charles Delaplane served on the Board of the VFC for several years and chaired the National Legislation Committee at the 2008 and 2010 NARFE National Conventions. Past President Collins served on the Board of the VFC and subsequently was elected VFC President for 2 terms (2005–2007). In 2006 as VFC President she established NARFE VFC Congressional District Liaisons for the 11 congressional districts in Virginia as well as a Senatorial Liaison. Also, Past President Collins was appointed as a delegate to the 2005 White House Conference on Aging to represent the 11th Congressional District of Virginia.

The 11th Congressional District of Virginia, due to its proximity to Washington, DC, is home to a significant number of Federal employees and retirees and I am honored to represent these dedicated and honorable public servants in the U.S. House of Representatives. Mr. Speaker, I ask my colleagues to join me in congratulating NARFE Springfield Chapter 893 on the occasion of its 50th Anniversary and in thanking the members for their unwavering support and dedication to Federal employees, retirees, and their families.

INNOVATION ACT

SPEECH OF

HON. HAKEEM S. JEFFRIES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 5, 2013

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 3309) to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes:

Mr. JEFFRIES. Mr. Chairman, the Jeffries Amendment to H.R. 3309 accepted in the House Judiciary Committee amended the bill's fee-shifting provision in a meaningful manner designed to reduce the likelihood of an ad-

verse award made against a non-prevailing party. As originally introduced, H.R. 3309 required the court to award fees to a prevailing party in patent litigation "unless the court finds that the position of the nonprevailing party or parties was substantially justified or that special circumstances make an award unjust."

The Jeffries Amendment modifies this provision to disallow fee-shifting when: 1) "the court finds that the position and conduct of the nonprevailing party or parties were reasonably justified in law and fact" or 2) when a named inventor or non-prevailing party encounters special circumstances such as "severe economic hardship" that would make a fee-shifting award unjust. With respect to the latter provision, the amendment further limits the circumstances under which a fee-shifting award is proper by mandating consideration of additional factors by the court.

During the debate on the House floor, a claim was made that the term "substantially justified" means "reasonably justified" as interpreted through the Equal Access to Justice Act (EAJA). The EAJA is a body of law unrelated to intellectual property jurisprudence. Accordingly, its precedential value is uncertain. However, to the extent this body of law is considered relevant, the oft-referenced Supreme Court decision in *Pierce v. Underwood* explicitly asserts that "substantially justified" and "reasonably justified" are not synonymous. Consequently, even when viewed through the EAJA lens, the Jeffries Amendment clearly lowers the bar that a non-prevailing party must meet in order to avoid an adverse fee-shifting determination.

The EAJA states in pertinent part: "(1)(A) Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses . . . incurred by that party in any civil action . . . brought by or against the United States . . . unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust."

The Supreme Court in *Pierce v. Underwood* decided several issues regarding the EAJA, including the applicable standard of appellate review and the meaning of "substantially justified." Regarding the standard of review, the court held that the plain language of the statute stating "the court finds," makes clear "that the determination is for the district court to make, and thus suggests some deference to the district court on appeal" by employing an abuse of discretion standard. H.R. 3309 also includes "the court finds" language in its formulation. As such, any appellate court reviewing a fee-shifting decision by the district court should apply the deferential abuse of discretion standard as well.

In order to determine the meaning of "substantially justified," the Court studied the plain meaning of the statute, dictionary definitions and the legislative history to conclude: "[w]e are of the view, therefore, that as between the two commonly used connotations of the word 'substantially,' the one most naturally conveyed by the phrase before us here is not 'justified to a high degree,' but rather 'justified in substance or in the main'—that is, justified to a degree that could satisfy a reasonable person. That is no different from the 'reasonable basis both in law and fact' formulation adopted by the ninth Circuit . . ." It is important to note, of course, that the phrase "reasonable