

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

basis" as referenced in *Pierce v. Underwood* does not appear in H.R. 3309 as originally introduced, or as amended.

For purposes of understanding the reduced burden effectuated by the Jeffries Amendment, the most relevant part of the *Pierce v. Underwood* decision is the majority opinion's assertion that "our analysis does not convert the statutory term 'substantially justified' into 'reasonably justified.'" In other words, the two terms yield different standards. Logically, then, "reasonably justified" sets forth a lower threshold that must be met by a non-prevailing party.

The concurring opinion of Justice William Brennan further clarifies the practical difference in terms. "Reasonable" has a variety of connotations, but may be defined as 'not absurd' or 'not ridiculous.' Webster's New Third International Dictionary 1892 (1976) . . . While it is true 'reasonable' and 'substantial' overlap somewhat . . . an overlap is not an identity."

Accordingly, since the Supreme Court does not equate "substantially justified" with "reasonably justified," the suggestion that the change made to the fee-shifting provision in H.R. 3309 is practically meaningless lacks merit. In sum, the Jeffries Amendment deliberately lowers the bar from "substantially justified" to "reasonably justified" in a manner that relaxes the fee-shifting standard in the bill.

CONGRATULATIONS TO MR. JOHN DALTON

HON. KERRY L. BENTIVOLIO

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 11, 2013

Mr. BENTIVOLIO. Mr. Speaker, Mr. Dalton was appointed to the Livonia Human Relations Commission by Livonia Mayor Jack Kirksey and was elected by his fellow commissioners to serve as the Vice Chairman of the city commission. He takes his new position on the commission at the start of 2014. Congratulations to Mr. John Dalton.

CONGRATULATING THE UNIVERSITY OF NEW MEXICO AND THE RWJF CENTER FOR HEALTH POLICY ON THEIR DEDICATION TO HEALTH JUSTICE

HON. MICHELLE LUJAN GRISHAM

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 11, 2013

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I rise today to recognize the University of New Mexico and the Robert Wood Johnson Foundation Center for Health Policy at the University of New Mexico for their dedication to achieving health justice. This September, the University of New Mexico hosted the Congressional Tri-Caucus Health Disparities conference titled "Practices and Policies That Promote Health Justice". The summit brought together local and national experts, leaders, policymakers, and advocates for a comprehensive discussion on the status of health justice.

The Tri-Caucus health summit grew out of the need to move forward the discussion on

health disparities in Washington and around the nation. The 2013 Health Disparities Summit has set a new standard for this discussion. Thanks to the efforts of the conference planning committee, this summit was the first to include Native American speakers and perspectives, a contribution that sets an important precedent for future summits.

Hosted by the University of New Mexico, under the leadership of President Robert G. Frank and Chancellor for Health Sciences Paul B. Roth, and coordinated by the Robert Wood Johnson Foundation Center for Health Policy at UNM, led by Director Gabriel Sanchez, the summit provided my Tri-Caucus colleagues and myself with the most relevant and groundbreaking research on health disparities, including in-depth discussions on the serious reality of racial and ethnic health disparities.

The RWJF Center for Health Policy at the University of New Mexico is a research and training institute whose mission is to increase the diversity of health policy leaders who are trained in the social and behavioral sciences and nursing. One of the ways they accomplish this is through their doctoral fellow program, which nurtures promising researchers who are dedicated to social justice and the elimination of health disparities.

Over the course of the conference, I had the distinct pleasure of meeting with several RWJF doctoral fellows whose dedication and passion for achieving health equity helped me return to Washington reenergized to continue working toward health equity. It is meeting people like the RWJF research faculty and their doctoral fellows that gives me hope that we will continue to gain traction in the movement to eliminate health inequalities and achieve health justice.

Mr. Speaker, I am proud to have the privilege of representing my alma mater in Congress. As the only Hispanic-Serving Institution in the United States that is classified as a Carnegie Research University with Very High Activity, UNM is at the forefront of education and groundbreaking research, which contributes to a more just and equitable society. The University of New Mexico has taken an active role in working to eliminate health disparities and the RWJF Center for Health Policy is leading this charge. I would like to congratulate the University of New Mexico on their successful conference and for their dedication to achieving health justice.

CELEBRATING THE 75TH ANNIVERSARY OF THE NATIONAL INDUSTRIES FOR THE BLIND (NIB)

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 11, 2013

Mr. TERRY. Mr. Speaker, the National Industries for the Blind (NIB) is celebrating its 75th anniversary this year, and I am honored to be a part of its celebration. Seventy-five years ago, the Wagner-O'Day Act was signed into law, which created the AbilityOne Program as well as the NIB.

NIB strives to enhance economic and personal independence of persons who are blind by creating, sustaining, and improving employment.

The NIB works with 91 agencies spread out among 35 states at over 250 locations and the

agencies provide products and services for the government.

In my home state, Outlook Nebraska is the NIB provider and is an economic engine that brings valuable business to the Omaha area.

Founded in 2000, Outlook Nebraska, much like its sister NIB agencies, seeks to enhance the quality of life for the blind and visually impaired.

It is Nebraska's largest employer for those with vision disabilities. Outlook Nebraska's work is especially important because, unfortunately, 70 percent of working-age Americans who are blind are unemployed.

The AbilityOne program makes Outlook Nebraska possible. As the official AbilityOne manufacturer of quality tissue and towel products for the government, Outlook Nebraska supplies a full line of 100 percent recycled fiber content tissue and towel products, including bath tissue, pull towels, and all compatible dispensers to the United States government.

Besides the manufacturing of products, the agency provides complete product servicing from its office and tissue-converting site in Omaha.

The agency has also developed additional services for blind and visually impaired employees, such as education and training to provide them with the technological skills that allow them to excel in their professional and personal lives.

PERSONAL EXPLANATION

HON. DIANE BLACK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 11, 2013

Mrs. BLACK. Mr. Speaker, on rollcall No. 630 for final passage of H.R. 3521, and rollcall No. 631 for final passage of H.R. 1402, which took place Tuesday, December 10, 2013, I am not recorded because I was unavoidably detained. Had I been present, I would have voted "aye" on both bills.

HONORING THE 100TH ANNIVERSARY OF THE UNIFICATION OF THE ISLAND OF CRETE WITH THE HELLENIC REPUBLIC

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 11, 2013

Mr. BILIRAKIS. Mr. Speaker, I rise today to commemorate the 100th anniversary of the unification of the Island of Crete with the Hellenic Republic. On December 1, 1913, the flag of Greece was raised proudly on the Island, recognizing the will of the people of Crete who declared their unification with Greece, breaking ties with the oppressive Ottoman Empire which had occupied the island since 1669.

Sitting at the crossroads of Africa, Europe and the Middle East, Crete, one of the largest islands in the Mediterranean, is matched by its oversized influence throughout world history. Crete was home to the Minoan civilization, a major center for the Roman, Byzantine, Venetian and Ottoman empires, and birthplace to some of the world's most renowned artists—like Nobel laureate Odysseus Elytis and composer, Mikis Theodorakis.