

1833 out of land from Conemaugh Township in the new Cambria County. The township was given the name of "Richland" because of the quality of its land.

Over the last 175 years, Richland Township has seen tremendous growth, and, in the last two decades in particular, has transformed itself into a hub of commercial, educational, retail, and high-tech opportunities. I'm proud of these accomplishments and I look forward to working to ensure continued growth and a brighter future for both Richland and our region.

The Richland Community Days are an extraordinary way for the citizens of Richland to recognize their township's history as well as to look forward to its future. Madam Speaker, I finish my remarks by congratulating Richland Township on its 175th Anniversary and to recognize the many volunteers who have worked hard to make the first annual Richland Community Days a success.

PROVIDING FOR PATENT AND  
TRADEMARK JUDICIAL APPOINTMENTS

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 29, 2008*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 3295, to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges. S. 3295 amends both the Patent Act and Lanham Act with regard to administrative judge appointments. I support the bill and I encourage my colleagues to do likewise.

S. 3295 proposes that the Secretary of Commerce, in consultation with the PTO Director, appoint administrative patent judges and administrative trademark judges. H.R. 6362 also states that the Secretary of Commerce may deem the appointment of an administrative patent judge or administrative trademark judge who previously held office pursuant to an appointment by the PTO Director to have taken effect on the date when the administrative patent judge or administrative trade judge was originally appointed by the PTO Director. Additionally, the bill creates a defense to a constitutional challenge of an administrative patent judge or administrative trademark judge appointment, declaring that the administrative patent judge or administrative trademark judge was acting as a de facto officer after being appointed by the PTO Director.

Before March 2000, administrative patent judges were appointed by the Secretary of Commerce. In November 1999, new legislation gave the appointment power to the director of the PTO. That legislation took effect on March 29, 2000. Since then 47 of the 74 administrative patent judges currently serving on the Board of Patent Appeals and Interferences were appointed by the director of PTO.

S. 3295 is necessary because it creates a defense to constitutional challenge of an administrative patent judge or administrative trademark judge's appointment. This bill was introduced in response to several challenges.

In those challenges, parties are contesting the validity of the Board of Patent Appeals and Interferences decisions based upon the alleged unconstitutionality of the appointment of certain administrative patent judges who participated in those decisions. The challengers argue that the director of the PTO does not have the power of appointment under Article 2 of the Constitution. If courts hold these appointments unconstitutional, the effects could be widespread, affecting potentially thousands of patents and patent applications. This situation alone would lead to a greater patent backlog. The PTO already faces what seems to be an insurmountable patent backlog.

Specifically, this challenge creates arguments for patent applicants whose patent application rejections were affirmed by the Board of Patent Appeals and Interferences, as well as a potential defense for patent litigants where the patent in suit resulted from the Board's overturning an examiner's final rejection. S. 3295 is necessary to preserve the integrity of the administrative patent judge and administrative trademark judge appointment system.

I support this Act and encourage my colleagues to support it also.

INTRODUCTION OF THE COMPENSATION AND RESPECT FOR ENERGY WORKERS ACT "CARE ACT"

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 31, 2008*

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to improve the workings of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

The bill, cosponsored by my Colorado colleague, Mr. Perlmutter, is entitled the Compensation and Respect for Energy Workers Act (or "CARE Act").

It is similar to legislation with that title introduced in the Senate by Senator SALAZAR, but unlike the Senate version it also includes a section that would amend the EEOICPA to expand the number of former workers at the Rocky Flats site in Colorado covered by the "special exposure cohort" provisions of that law. This part of the new bill is identical to section 3 of H.R. 904, which I introduced with Mr. PERLMUTTER last year.

The Energy Employees Occupational Illness Program Act (EEOICPA) was enacted to compensate American workers (and certain survivors) who put their health and life on the line to serve our Nation during the Cold War. Among them were thousands of Coloradans who worked at Rocky Flats as well as some other sites covered by the EEOICPA law. Many of them developed beryllium disease, cancer, or other ailments from being exposed to beryllium, radiation, or other hazards.

When I was first elected to Congress, I began working with colleagues in the House and Senate—on both sides of the aisle—to provide a measure of justice for them and those with similar problems who worked at other nuclear-weapons sites.

Before the Clinton Administration, the federal government had resisted paying claims

filed by injured workers. But, led by Bill Richardson as Secretary of Energy, the Clinton Administration took a different position and asked Congress to establish a compensation program.

That prompted me and other Members to introduce legislation to accomplish that objective. And I was among those who strongly supported the EEOICPA provisions that were finally enacted into law in 2000.

But the next year brought a new Administration that, regrettably, has not been as strong an advocate of the program as its predecessor. In fact, after the Bush Administration inherited this program, they have both mismanaged it and tried to undermine it. They seemed not to realize that this is not just about money, but about the honor of the United States.

With other supporters of the program, I have worked to get the Administration to improve its implementation—and I will continue to do so.

But I also have worked to correct problems with the EEOICPA law itself—and the bill I am introducing today is part of that ongoing effort.

While many people have received benefits under the Program, too many face incredible obstacles as they try to demonstrate that they qualify. More than 8 years after enactment, workers have died without receiving the healthcare or compensation they deserve. In fact, a combination of missing records and bureaucratic red tape has prevented many workers from accessing any compensation for their serious illnesses.

The CARE Act is designed to expand the category of individuals eligible for compensation, improve the procedures for providing compensation and transparency, and grant the Office of the Ombudsman greater authority to help workers.

Toward that end, the first 10 sections of the bill would:

Expand the list of cancers for which individuals are eligible to receive compensation—this would be done by amending the relevant part of another law, the Radiation Exposures Compensation Act (RECA) because EEOICPA adopts that law's list by reference.

Require the Department of Labor (DOL) to pay a claimant's estate should a claimant die after filing their claim but before receiving payment and leave no survivors.

Expand the duties of the Office of the EEOICPA Ombudsman to include the ability to provide information to claimants on benefits available under Part B.

Grant the Ombudsman the authority to contract for expert services to assist in the execution of its duties (e.g., individuals with expertise in health physics, medicine and toxicology).

Require DOL to provide the public with access to the "site exposure matrix" and any other databases or site profiles used to evaluate claims for compensation.

Expand the statute of limitations to 1 year to provide ample time for workers whose claims have been denied to file a petition in federal court.

Require any federal agency with jurisdiction over the program to provide information to claimants in easily understandable language and, if a claim is denied, provide claimants with a detailed, written explanation of all reasons for the denial and the additional documents, evidence, or information necessary to meet the burden of proof on appeal.

Require the Office of Workers' Compensation Programs to directly pay service providers for personal care services and transportation to assist low-income claimants who cannot afford to cover the cost of necessary medical and transportation expenses and wait for reimbursement from the government.

Require claims examiners to provide written notice to claimants who file under either Part B or Part E of potential monetary or medical compensation for which they may be eligible.

Require DOL to provide a list of physicians qualified to perform medical and impairment screenings from independent medical associations and institutions of higher education.

Prohibit the Departments of Energy (DOE) and Labor from destroying original documents related to any DOE facility that might reasonably be expected to be used by workers in support of filing claims under EEOICPA.

And, section 11 of the bill would revise the part of the EEOICPA law that specifies which covered workers are part of what the law designates as the "Special Exposure Cohort."

The revision would extend this "special exposure cohort" status to Department of Energy employees, Department of Energy contractor employees, or atomic weapons employees—all terms defined by the current law—who worked at the Rocky Flats site, in Colorado, for at least 250 days prior to January 1, 2006.

The result would be to help provide the Act's benefits to any of those workers who contracted a radiation-linked cancer specified in the Act after beginning employment at Rocky Flats.

As the law now stands, before a Rocky Flats worker suffering from a covered cancer can receive benefits, it must be established that the cancer is as likely as not to have resulted from on-the-job exposure to radiation. That sounds like a reasonable requirement and it would be appropriate for Rocky Flats if we had adequate documentation of radiation exposures for the years when it was producing nuclear-weapons components as well as for the more recent time when DOE and its contractors have been working to clean it up and prepare it for closure.

However, in fact there were serious shortcomings in the monitoring of Rocky Flats workers' radiation exposures and in the necessary recordkeeping—to say nothing of the slowness of the current administrative process for making the required determinations concerning links between exposure and employment.

So there is a risk that a significant number of Rocky Flats workers who should be able to benefit from the Act will not obtain its benefits in a timely manner or will be denied them entirely.

The bill would prevent this miscarriage of justice, by recognizing that Rocky Flats workers have been plagued by the same kinds of administrative problems that entangled workers at some other locations—administrative problems that were addressed through inclusion in the Act of the provisions related to the "Special Exposure Cohort."

My understating of the need for this bill came from meeting with Rocky Flats workers and their representatives and by consulting experts. I have particularly benefited from the great experience and expertise of Dr. Robert Bistline. Dr. Bistline has served as Program Manager of the Energy Department's Over-

sight of Radiation Protection Program at the Rocky Flats field office and has few if any peers in terms of his understanding of the problems addressed by the bill. In particular, the bill reflects these aspects of Rocky Flats history:

Many worker exposures were unmonitored over the plant's history. For some estimated doses were assigned, and radiation exposures for many others are missing. As a result, there are at best incomplete records and many inaccuracies in the exposure records that do exist.

No lung counter for detecting and measuring plutonium and americium in the lungs existed at Rocky Flats until the late 1960's. Without this equipment the very insoluble oxide forms of plutonium cannot be detected and a large number of workers had inhalation exposures that went undetected and unmeasured.

Exposure to neutron radiation was not monitored until the late 1950's and most of those measurements through 1970 have been found to be in error. In some areas of the plant the neutron doses were as much as 2 to 10 times as great as the gamma doses received by workers but only gamma doses were recorded.

As a result of these and other shortcomings, some Rocky Flats workers have been denied compensation under the Act despite having worked with tons of plutonium and having known exposures leading to serious health effects.

Madam Speaker, since early in my tenure in Congress I have worked to make good on promises of a fairer deal for the nuclear-weapons workers who helped America win the Cold War. That was why enactment and improvement of the compensation Act has been one of my top priorities. I saw this as a very important matter for our country—and especially for many Coloradans because our State is home to the Rocky Flats site, which for decades was a key part of the nuclear-weapons complex.

Now the site's military mission has ended and the last of the Rocky Flats workers have completed the job of cleaning it up for closure. And just as they worked to take care of the site, we in Congress need to take care of them and the others who worked there in the past, and do a better job of taking care of those who have worked at other sites as well.

That was the purpose of the compensation act. I am very proud that I was able to help achieve its enactment, but I am also aware that it is not perfect. The bill being introduced today will not remedy all the shortcomings of the current law, but it will make it better.

A TRIBUTE TO THE LIFE OF  
SIDNEY HARVEY CRAIG

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 31, 2008*

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of a special man, Sidney Harvey Craig of Santa Fe, California, who recently passed away at the age of 76 years old. He leaves behind his loving wife Jenny, 5 children and 13 grandchildren.

Mr. Craig, affectionately known as Sid, was born on March 22, 1932 in Vancouver, British Columbia and was raised in Alhambra, Cali-

fornia. After attending Mt. San Antonio College, Mr. Craig transferred to Fresno State College and graduated with a major in business and psychology. While at Fresno State he taught dance classes at the Arthur Murray dance studio. Upon graduating from Fresno State he joined the Arthur Murray dance studio and before long owned several franchises and served on its board of directors.

At the age of 22 years old he was stationed in San Diego serving in the U.S. Navy. During the same time he became friends with Hal King, who introduced him to horseracing. King would later become Sid's business partner, trainer and racing manager until he died in 1991. Sid's love for horses led to him owning a number of successful thoroughbreds. In 1995 Sid and his wife Jenny purchased a 237-acre thoroughbred horse-racing stable in Rancho Santa Fe. Several of their thoroughbreds raced in the Belmont Stakes and the Kentucky Derby, and one set a Del Mar track record for 1¼ mile.

After moving to Australia with his wife Jenny in 1982 they started Jenny Craig International, the successful weight-loss program which went public on the New York Stock Exchange after only two years. At the height of their careers, Sid and Jenny oversaw more than 650 Jenny Craig centers in the United States, Canada, Australia and New Zealand. Twenty-three years and 4 million dieters later, they eventually sold the Jenny Craig centers to Nestle.

In 1992 Mr. Craig returned to his alma mater and made a significant donation to the Fresno State School of Business, which was renamed in his honor to the Sid Craig School of Business. In 1993, Fresno State President John Welty also gave him an honorary degree of doctorate for his contributions to the university, his commitment to others and its students. And to this day, the community of Fresno credits Sid and Jenny Craig's generosity for helping the Sid Craig School of Business become one of the top 100 business schools in the country. Mr. Craig was known for his philanthropist style with business, his generosity and for his passion for horseracing.

Sid Craig will be remembered by many for his success in business, his generous philanthropy, and for his passion for horseracing. I am honored and humbled to join his family in celebrating the life of this amazing man. His presence will be missed in our community and by many others whose lives he so graciously touched.

TRIBUTE TO LOUISE L. FRANCESCONI ON HER RETIREMENT

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 31, 2008*

Ms. GIFFORDS. Madam Speaker, I rise today to pay tribute and great respect to Louise L. Francesconi, as she retires after 33 years of service to our great Nation as the President of Raytheon Missile Systems in Tucson, Arizona.

Ms. Francesconi is retiring from this position after leading the world's largest missile company, with sales of \$5B and nearly 13,000 employees, which for years has helped guarantee our Nation's security and interests worldwide. Her systems have been employed to protect