

with great financial and academic needs and deserve continued Federal support to graduate men and women of color. In honor of the 2008 HBCU week, I recognize HBCUs for their rich heritage, history, and culture and for the opportunities they provide to students to learn, grow, and succeed, regardless of race, ethnicity, or income.

INTRODUCTION OF NATIONAL CYBERSECURITY AWARENESS MONTH RESOLUTION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. LANGEVIN. Madam Speaker, I am pleased to introduce this resolution supporting the goals and ideals of National Cybersecurity Awareness Month.

Each year, the National Cyber Security Division (NCSD) of the Department of Homeland Security (DHS) joins with the National Cyber Security Alliance (NCSA), the Multi-State Information Sharing and Analysis Center (MS-ISAC) and other partners to support National Cyber Security Awareness Month. The goal of National Cyber Security Awareness Month is to show everyday Internet users that by taking simple steps, they can safeguard themselves from the latest online threats and respond to potential cyber-crime incidents.

It would be dangerous to believe, however, that simple steps by end users will sufficiently combat the larger threats associated with a growing networked society. As Chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I have held eight hearings in the 110th Congress on our nation's cybersecurity posture and the various vulnerabilities in our critical information infrastructure. Cybersecurity vulnerabilities can significantly impact our national and economic security. This issue has been largely ignored and misunderstood for too long. The oversight that the Homeland Security Committee is undertaking will help change that, but much work remains to be done.

I thank my colleagues for cosponsoring this resolution, and look forward to working with them on these critical issues in the future.

SUPPORTING PROPOSED REGULATIONS TO THE PUBLIC SAFETY OFFICERS' BENEFIT PROGRAM

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MANZULLO. Madam Speaker, I rise to recognize the Department of Justice for recently proposed regulations relating to the Public Safety Officers' Benefit Program. The program provides death benefits for the survivors of public safety officers who die in the line of duty; and disability benefits to those officers who have been permanently and totally disabled by a catastrophic personal injury sus-

tained in the line of duty, and thereby prevented from performing any gainful work; and also educational assistance benefits for surviving family members. Among other things, these proposed regulations will help to shore up the program against fraud and abuse by clarifying the requirements for certifications and their effect. I strongly support the mission of the Public Safety Officers' Benefit Program, and I commend the Department of Justice for keeping the regulations up to date and for taking action to ensure that the funds available go to those public safety officers (and their survivors) that deserve them. I would like to take a moment to comment on the statutory predicate for some of these regulations.

As the Ninth Circuit Court of Appeals recognized, Public Law 94-430 creates a "limited program," whose principal purpose is to help ensure that the families of "public" officers be protected from financial calamity that is likely to result from the death or permanent and total disability, in the line of duty, of the primary money-maker. The statute (including the two parallel 2001 benefits statutes, which do not, strictly speaking, amend the Public Law or directly affect the precise program it creates) enshrines various and competing policy considerations and purposes that it proposes to achieve by particular means that have been worked out, over the last 30 years and more, in the legislative process. Because no law pursues its ends at all costs, the limitations expressly or implicitly contained in its text and structure are no less an articulation of its purposes (and the intent, goals, and policies that inform it), than its substantive grants of authority are. Benefits under these statutes—charges on the public fisc—are to be granted fairly, but not speculatively, or beyond what the statutory language unequivocally requires and unequivocally expresses, or beyond the letter of the difficult judgments reached in the legislative process and clearly reflected in the statutory text. It is precisely to enable the Department to balance and harmonize these various considerations into a single workable and coherent program that the law confers extraordinary administrative and interpretive authority on the Department. For example, at least seven distinct statutory provisions—42 U.S.C. 3796c(a) (twice), 3796(a) & (b), 3796d-3(a) & (b), 3782(a)—expressly authorize the Department to issue program regulations and policies here, and the law expressly provides that those regulations and policies are determinative of conflict of law issues relating to the program, and that responsibility for making final determinations shall rest with the Department. Under the Public Law (as under the parallel 2001 statutes), the very right to a death or disability benefit, which the Supreme Court correctly has recognized as a legal "gratuity" (and thus not "remedial" in nature), is not freestanding, but contingent, rather, upon a determination by the Department.

When Public Law 94-430 was enacted in 1976, only the Circuit Courts or the old Court of Claims (of similar rank) heard appeals from final rulings of the Department of Justice thereunder, which meant that only one level of judicial review ordinarily was available to claimants and the Department, alike. In 1982 (when the appellate functions of the Court of Claims generally were merged into the newly-

created Court of Appeals for the Federal Circuit), jurisdiction over these appeals—apparently as a result of an oversight—was not transferred to the Federal Circuit, and thus (unlike the case with other administrative appeals, see, e.g., 28 U.S.C. 1295, 1296), by default, lay in what is now the Court of Federal Claims, established under Article I of the Constitution, rather than Article III, with an additional level of appeals available in the Federal Circuit. Although there are notable and distinguished exceptions, over the past decade or so, many of the Federal Claims Court's rulings on these appeals applied the law incorrectly, sometimes disregarding the express terms of the relevant statute or implementing regulations, or binding and applicable Federal Circuit/Court of Claims precedent, and even Supreme Court precedent. To order the administering agency to pay on a claim when payment is not clearly warranted by the programmatic statutes and their implementing regulations and administrative interpretive superstructure is as much an affront to the law as for the agency not to pay when payment is clearly required by those statutes and regulations.

Overall, the 16 opinions issued to date by the Federal Circuit (and its predecessor) under the statute indicate a proper understanding of the law and the application of the Chevron doctrine to the Department's determinations. (All but two of these opinions were affirmances of the administering agency; in *Demutiis*, the agency was affirmed on all points but a very minor one (relating to application of a (now-repealed) regulation), and the 1980 holding in *Harold*, which reversed the Department's determination, itself soon thereafter was rendered moot, as a practical matter, by a statutory amendment consonant with the Department's position.) For these reasons, the corrective proviso in the consolidated appropriations legislation, entrusting judicial appeals under Public Law 94-430 (and the two 2001 statutes) exclusively to the Federal Circuit (and returning to a single level of judicial review, as originally intended) should further the purposes of the program, reduce litigation costs for claimants and the taxpayers, and serve the interests of justice.

RECOGNIZING JOSEPH STALNAKER AND THE PAWS WITH A CAUSE ORGANIZATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize Joseph Stalnak and the Paws with a Cause organization. On the morning of Wednesday, September 13, 2008, Mr. Stalnak suffered a seizure as a result of an injury he received while serving in the U.S. military. While Mr. Stalnak was unable to help himself, his trained service dog, Buddy, managed to place the 911 call that saved his life. He had adopted Buddy from Paws with a Cause a year earlier.

The Paws with a Cause organization trains seeing eye and service dogs to be placed for