JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF
HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity.

Mr. FARR. Madam Chair, I rise in strong opposition to H.R. 2021, the Jobs and Energy Permitting Act. Since the beginning of the 112th Congress, my Republican colleagues have been relentless in their attempts to weaken offshore drilling regulations and to preserve wasteful and unnecessary subsidies to the most profitable oil corporations in the world. While Americans are facing serious pain at the pump, in the first quarter of 2011, the five biggest oil companies have made a total combined profit of $35 billion. Yet, as these companies break record profits, the Republican leadership insists that we continue to hand these companies billions of taxpayer dollars in subsidies.

H.R. 2021 is just another blatant attack on human health and the environment in an attempt to shield outrageous Big Oil profits. This bill seeks to evade Clean Air Act standards intended to protect our air and health by allowing the oil companies to pollute as much as they want from their offshore operations. Secondly, this anti-environment piece of legislation would block the right of California and other states to enforce more rigorous emissions standards on vessels servicing an offshore operation. It seems ironic that my colleagues who are arguing against big government now want to take away states’ rights to protect their residents from dirty local air. I strongly support the need to reduce America’s dependence on foreign oil. However, H.R. 2021 is not the answer. I am extremely disappointed that my Republican colleagues continue to dismiss renewable sources of energy as part of the solution. The renewable energy sector has the potential to support hundreds of thousands of jobs while reducing greenhouse gas emissions. The number of jobs in the solar industry, for example, doubled from 2009 to 2010. However, in the Fiscal Year 2012 Energy and Water Subcommittee Appropriations bill, Republicans have proposed draconian cuts to programs that focus on energy efficiency research and renewable sources of energy such as solar and wind. The proposed cut of $1.895 billion to the Department of Energy’s Energy Efficiency and Renewable Energy program is simply unacceptable. These cuts to alternative energy programs and the numerous pro-Big Oil bills, such as H.R. 2021, that have been introduced in the 112th Congress indicate that the Republicans do not support a comprehensive solution to rising gas prices, ending America’s foreign dependence on oil, and creating jobs.

My fellow Democrats attempted to improve H.R. 2021 by offering ten different amendments, but the Republicans rejected each and every one, including an amendment that would maintain California’s ability to set its own emissions standards. Unfortunately this Republican desired top-down approach will degrade air quality along the coast of California, causing health costs to soar with increasing incidence of respiratory illnesses.

Madam Chair, the quality of the air we breathe and the health of my constituents is of utmost importance. For this reason, I do not support this legislation, and I voted “no” on H.R. 2021.

HON. JOHN W. OLVER
OF MASSACHUSETTS

RECOGNITION OF THE 250TH ANNIVERSARY OF THE TOWN OF SHUTESBURY, MASSACHUSETTS

Thursday, June 23, 2011

Mr. OLVER. Mr. Speaker, on June 30, 1761, the incorporation of the town of Shutesbury, Massachusetts, was approved by the colonial Governor of the Commonwealth of Massachusetts, Sir Francis Bernard. Named for former colonial Governor Samuel Shute, the town is an exemplification of the natural beauty of Massachusetts’ rolling hills. After 250 years, Shutesbury remains a town largely untouched by the imperfections of modernity.

The town traces its history to 1735, when an east-west inland road was built to encourage commerce from Lancaster to Sunderland. Over the next century, residents constructed a meetinghouse and assembled a small town. The incorporation of Shutesbury in 1761 allowed residents to expand their community to include a church and public library. The town has grown to now include over 1,700 people while maintaining the charm and civility that Shutesbury has continually represented.

Shutesbury continues to thrive in western Massachusetts as a rural community amidst burgeoning cities. The promise of this town is rooted in its commitment to protecting natural resources and recognizing the capacity of forests, streams and rural communities for future generations to enjoy.

IN HONOR OF REVEREND THOMAS O’DONNELL

HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Reverend Thomas O’Donnell, who has devoted his life to the enrichment of his community.

Reverend O’Donnell was born in Cleveland, Ohio at St. John’s Hospital and is one of three children. His brother, Neil is now deceased and his sister Ellen Jane is a nun in Latrobe, Pennsylvania. Reverend O’Donnell spent much of his youth interested in music and eventually received a Bachelor’s Degree in Music from Oberlin College before entering the seminary. Ordained on May 20, 1967, Reverend O’Donnell first served at St. Clare Church in Lyndhurst, Ohio. Two years later he began teaching Sacred Music at St. Mary Seminary. While he was teaching, in 1972, Reverend O’Donnell began attending Case Western Reserve University to further his studies in Sacred Music.

After fourteen years at the seminary, during which time he also became Diocesan Director of Music and Assistant Director of the Diocesan Office for Pastoral Liturgy, he decided to return to parish ministry. Reverend O’Donnell then began to serve as a hospital chaplain, first at Brentwood and Suburban Hospitals and later as the Catholic Chaplain at MetroHealth Medical Center in Cleveland. He underwent a two year training course at the Cleveland Clinic prior to his work as a chaplain.

Reverend O’Donnell has been with Holy Name for fourteen years and has worked tirelessly for the betterment of his parish and the entire community. Reverend O’Donnell brought together a parish life steering committee and was integral in opening the John Paul II—Ozanam Hunger Center, along with churches in Slavic Village and several other suburban parishes. Furthermore, his parish now provides the area with five Alcoholics Anonymous meetings a week, a Parish Wellness Center, a hot meal program which serves the community twice a month, and countless other civic organizations and projects.

Mr. Speaker and colleagues, please join me in honor of Reverend Thomas O’Donnell, a hardworking, heartfelt individual who has devoted his life so tirelessly to God and his community.

PERSONAL EXPLANATION

HON. TIM MURPHY
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 478, I was unavoidably detained. Had I been present, I would have voted “aye.”
Chief Rasmussen has been an outstanding and highly effective Police Chief whose quiet and steady leadership is an excellent example to us all of how to serve humanity.

Mr. Speaker, please join me in honoring and commending the outstanding contributions made to protecting our community by Chief of Police Janet Rasmussen and hereby wish her continued success in her retirement.

THE INTERRELIGIOUS TASK FORCE ON CENTRAL AMERICA

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today to honor the InterReligious Task Force on Central America on the occasion of its 30th anniversary.

Since its inception, the IRTF has strived to promote peace, justice, human rights, and nonviolence in Central America by raising awareness in Northeast Ohio. It has constantly sought out policies that support anti-militarism, environmental human rights, economic justice, ending the exploitation of labor, and the promotion of fair trade in Central America.

In 1987, the IRTF started the Rapid Response Network for Human Rights, which allowed volunteers to write letters in order to protest urgent human rights abuses. Originally conceived to respond to human rights abuses in Guatemala, this service is currently available for all Central American nations and Columbia.

The IRTF has also worked to expose the negative effects of globalization in Central America. These effects include ecological destruction, privatization of utilities and other public services, a decrease in labor standards, and the disruption of local populations by large multinational corporations. Through its efforts to promote fair trade, Northeast Ohio is now one of the largest markets for fair trade coffee in the United States.

Mr. Speaker and colleagues, please join me in honoring the InterReligious Task Force on Central America, an organization whose policies work to improve conditions for the oppressed peoples in Central America, on the occasion of its 30th anniversary.

25TH ANNIVERSARY OF HOSPICE AND PALLIATIVE CARE NURSES ASSOCIATION

HON. CAROLYN MCCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mrs. McCARTHY of New York. Mr. Speaker, as a nurse of many years, I rise today to extend my sincere congratulations to the Hospice and Palliative Care Nurses Association (HPNA) on the occasion of its 25th anniversary (1986–2011). Representing nearly 10,000 members across the United States, HPNA is the nation’s largest and oldest professional nursing organization dedicated to promoting excellence in hospice and palliative nursing care. Since 1986 HPNA has played an important role in promoting excellence among palliative nursing professionals through evidence-based educational tools, specialty resources, visionary collaboration, and professional networking. The important role that these nurses play in the lives of individuals and their families is worthy of celebration, and I add my voice to those honoring the organization’s 25 years of service.

As my colleagues may know, nurses now comprise the largest group of health professionals with approximately 2.9 million providers offering essential care and services in a variety of settings, including hospitals, long-term care facilities, community or public health areas, schools, workplaces and home care. Nurses represent the public interest and not a special interest. The contributions made by the practice and science of nursing are significant, and in collaboration with other healthcare professionals, significantly improves the quality of our nation’s health care system. Simply put, nurses are involved in every aspect of health care, including end of life care. The field of hospice and palliative nursing is instrumental in treating the person and taking into account the medical, social, psychological, and spiritual needs of a patient and their family at the end of life. This key field of nursing emphasizes quality of life at life’s end, and for that I am grateful. Hospice is a covered benefit under Medicare, Medicaid, and most private insurance plans. I applaud HPNA for educating families and the public regarding these important considerations and care options.

Again, I commend the work, dedication and commitment of the hospice and palliative care nurses and the HPNA to improve the quality of life for individuals and their families at the end of life. I look forward to continuing to work with my fellow nurses in this important field as well as the critical patient population and families that they serve.

HONORING RACHEL ANSZELOWICZ
HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. ISRAEL. Mr. Speaker, I rise today to commend an extraordinary constituent of mine, Rachel Anszelowicz.

Rachel visited my office recently to tell me about how difficult it is to live with type 1 diabetes. She told me about the painful glucose monitors and burdensome insulin pumps that she and other children with juvenile diabetes use to manage their disease. And, she told me about her increased risk as an adult for, among other ailments, kidney failure and heart disease. As a 2011 Child Health Champion delegate from the Juvenile Diabetes Research Foundation, Rachel spoke with a poise and maturity beyond her 13 years.

In her fight with the disease, Rachel is not alone. As many as twenty-six million Americans have diabetes, which currently accounts for $174 billion in health care costs in the United States, and twenty-two percent of hospital inpatient days. If we are to bring down this country’s rising health care costs, then new cost effective and high quality treatments for curing diabetes will be a critical part of that effort.

Research by the Juvenile Diabetes Research Foundation and other clinical experts
There is currently no “quick-fix” or lasting solution for type 1 diabetes. There is no cure. So, for Rachel and my other constituents with juvenile diabetes, I will continue to support the research necessary to translate these and other innovations from lab tested to in daily use by patients.

JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF

HON. LAURA RICHARDSON OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity.

Ms. RICHARDSON. Madam Chair, I rise in opposition to H.R. 2021, the incorrectly named Jobs and Energy Permitting Act of 2011, which, aside from creating no jobs, merely permits major offshore oil companies to skirt reasonable clean-air standards, leading to greater health hazards and a poisoned environment for my constituents in California and others living on America’s coastlines.

Under the Clean Air Act of 1990, large, offshore projects that emit more than 250 tons of an air pollutant are subject to pre-construction air pollution permits, just like any on-shore installation, such as a factory. Oil rigs and their support ships are subject to regulations based on the amount of pollution they distribute into the air and the surrounding ocean.

H.R. 2021 declares that pollution regulations shall apply “solely with respect to the impacts in the corresponding onshore area.” This means that the ocean and all the area from the oil rig to the breakers will not be properly taken into account when a company prepares its environmental impact reports. Near-shore areas with extensive human activity such as fishing and boating sites will not matter. Companies will be regulated according to how much they pollute at long distances, allowing them to pump more toxins into the air.

We all know that air pollution contributes to adverse health effects and environmental degradation. Nowhere is this more obvious than in the northern coastlines.

Under H.R. 2021, the weak regulations the Republicans are attempting to establish would not even be in effect until “the period between when drilling commences at a location and when drilling ends at that location.” Support vessels, which produce the majority of emissions at these sites, would not have to apply any pollution controls or be factored into environmental impact statements. These provisions will effectively prevent the EPA and state authorities from addressing serious sources of pollution from offshore oil and gas sites.

In addition to recklessly cutting critical safe-guards to air pollutants, this legislation will remove any authority for EPA’s Environmental Appeals Board to review permit decisions for offshore exploration activities. Stakeholders who wish to challenge an EPA permit would have to do so through costly litigation through the DC Circuit Court of Appeals. Furthermore, it cuts drill time allotted for public review and places similar time constraints on state and local hearing boards.

In summary, this destructive bill would remove basic safeguards to toxic pollutants and restrict procedures used to challenge oil companies who drill in sensitive areas. There are similar operations going on just off shore from my district, and I cannot tell my constituents that I sat idly by while Congress allowed more toxic substances to fill our air and threaten our environment. I urge my colleagues to vote for the health of the American people and oppose this legislation.

IN HONOR OF THE 20TH ANNIVERSARY OF SLOVENIAN STATEHOOD

HON. DENNIS J. KUCINICH OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 20th anniversary of Slovenian Statehood. I am also pleased to be joined by the Consul General of the Republic of Slovenia, Mr. Tadej Benko; his wife, Mrs. Janja Zmauc, and Dr. Bostjan Zeks, Minister for Slovenes Abroad, to celebrate Slovenian Statehood Day.

The twenty-fifth of June is Slovenian Statehood Day, an annual celebration of Slovenia's independence and the sovereignty it gained in 1991. It is a commemoration of the struggles and triumphs of the people of Slovenia. It also serves as an opportunity for residents of northeast Ohio to celebrate the customs, traditions and contributions of Slovenian Americans to our community.

This year's celebration of Slovenian Statehood Day begins with a reception at the Slovenian Museum and Archives where a special exhibit depicting the role of Americans of Slovenian heritage that worked to gain independence will be on display. Later in the evening the city of Cleveland Mayor Frank Jackson and Councilmen Michael Porelneck and Joe Cimperman will host an event that will feature musical performances by Raine Austen and the Men's Chorus Mi smo Mi.

Mr. Speaker and colleagues, please join me in honor and recognition of the 20th anniversary of Slovenian Statehood. Slovenia has grown in many facets over the years and should be recognized for its prosperity.
Father Moroney’s retirement marks the end of almost half a century’s dedication to helping others. He has made important contributions to every parish that he worked in, and helped countless individuals find their way. His leadership will be sorely missed from the Sacramento area and beyond, though his conviction and determination will be remembered for a long time by the people he encountered across the state.

Mr. Speaker, I stand today to honor Father Moroney, who has been an exceptional community leader. He has devoted his life to serving and approximating 73,000,000 women in the United States use tampons made of cotton and rayon and the average woman may use as many as 16,800 tampons in her lifetime. Rayon is a synthetic fiber produced from bleached wood pulp. During this process, dioxin, a probable cancer-causing agent, is created. Although chlorine-free bleaching processes are available, most wood pulp manufacturers use elemental chlorine-free bleaching processes, which continue to produce dioxin. Due to a lack of access to timely and comprehensive information, most women are not fully aware of the potential risks associated with use of the mainstream product. Dioxins in tampons and TSS are serious women’s health concerns that have not been adequately monitored, analyzed, or reported.

Like thousands of others, Robin Danielson, whom the bill is named after, was the victim of Toxic Shock Syndrome (TSS), a rare but potentially life-threatening illness that is often linked to high-absorbency tampon use. Robin’s death could have been prevented if only she had recognized the symptoms. Even today, many women are not fully aware of the risks of tampon use or TSS. This legislation would direct the National Institutes of Health (NIH) to conduct research to determine the extent to which the presence of dioxin, synthetic fibers, and other additives in tampons and related products poses any health risks to women and asks the Centers for Disease Control (CDC) to collect and report information on Toxic Shock Syndrome (TSS).

According to the Center for Disease Control and Prevention, one to every 100,000 women between the ages of 15–44 years old will be diagnosed with TSS each year. Yet, the last national surveillance was conducted in 1987 and reporting of TSS by the states is voluntary. It is clear we do not have enough transparent or timely information to evaluate the reality of TSS today. This legislation is necessary to provide women with accurate information about the safety of tampons and to increase awareness about the risk of TSS.

RECOGNITION OF THE 250TH ANNIVERSARY OF THE TOWN OF BELCHERTOWN, MASSACHUSETTS

HON. JOHN W. OLIVER
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. OLIVER. Mr. Speaker, on June 30, 1761, the town of Belcher’s Town, Massachusetts, was incorporated by the colonial Governor of the Commonwealth of Massachusetts, Sir Francis Bernard. The town is named for Jonathan Belcher, colonial Governor of the Province of Massachusetts Bay from 1737 until 1741. After 250 years of development and innovation, Belchertown continues to promote civility and cooperation amongst its citizens.

Looking over the Connecticut and Quabog valleys, Belchertown has long been a town connected to the thoroughfares passing through the area. Many of the original buildings were taverns to accommodate travelers; however, the first railroad in 1850 allowed greater diversity in the town’s commercial endeavors. In the past century, Belchertown has continued to prosper while maintaining the community-oriented charm familiar to most of western Massachusetts.

The commitment to volunteerism and community service is traced throughout Belchertown’s history. Its citizens stand as an example of what hard work and resolve can accomplish, as evidenced by the formidable carriage industry in the early 1800s, the town’s first library in 1887, the development of Quabbin Reservoir in 1927, and the brave service of numerous citizens in every U.S. war except the War of 1812.

On the occasion of the 250th anniversary of the town of Belchertown, Massachusetts, I congratulate its citizens and praise their dedication and perseverance throughout the town’s history. I look forward with enthusiasm and admiration to the future of Belchertown.

HONORING JAMES ADDY
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mrs. CAPITO. Mr. Speaker, I rise to recognize and honor, James Addy, the mayor of Harpers Ferry, West Virginia. Mayor Addy will retire this month after 10 successful years in the mayor’s office. Jim has been Mayor since 2001 and is a professor of social studies at Bowie State University, where he teaches courses in American history. He has served a standard career as a public official and has worked relentlessly to improve his community.

Mayor Addy brought an honest and clear vision to Harpers Ferry where he has worked to bring a better life to its citizens. I have always valued his wise counsel.

In his terms in office, Mayor Addy has applied his wealth of knowledge. As a professor, he knows the common thread of American history and how lessons learned in the past are often repeated in the future. As a teacher and mentor, Addy is able to build relationships and mentor those who will follow in his footsteps, especially the younger generation. And finally as a product of a childhood in a neighborhood of Baltimore, he brought the idea of working for a better community and a greater good.

Mayor Addy, I hope that you enjoy your time out of public service. I know you will continue to teach and affect the young lives that you so believe in. I know that you will continue to be involved in all aspects of Harpers Ferry and its future.

You have done a great job. I wish you the very best.

AMERICA INVENTS ACT

SPEECH OF
HON. MIKE PENCE
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 22, 2011

The House in the Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform.

Mr. PENCE. Madam Chair, I rise in support of H.R. 1249, the America Invents Act, which is a carefully-crafted compromise that will modernize our nation’s patent laws to allow for greater innovation, economic growth and job creation.

Years of hard work have gone into this bill. I would like to congratulate and thank Chairman SMITH and Rep. GOODLATTE for their leadership and diligence.

The Constitution vests in Article I, Section 8, clause 8, the power to Congress to “promote the Progress of Science and useful Arts, by securing for limited Times to . . . Inventors the exclusive Right to their . . . Discoveries.” Our patent laws were written nearly sixty years ago, and it is time to update them to account for changes in our modern economy. It is Congress’s power and responsibility to do so, especially with the problems that are evident with the patent system today.

And not doing so will cost our country even more jobs. Patent reform is about jobs because intellectual property, like other forms of private property, is a pillar of economic prosperity. Part of creating a pro-growth environment in this country includes modernizing our patent laws.

I have heard about the need for modernization from countless Hoosier business leaders, patent holders and entrepreneurs. Indiana has a long tradition of leadership in the life sciences and medical industry. Indiana also has a robust university research system, growing tech industry and, of course, a manufacturing industry that grows more high-tech with each passing year.

The leader and many other sectors of the Hoosier economy will benefit from the reforms in this bill. When invents and entrepreneurs are able to protect their inventions and speed
HONORING PROFESSOR MEL BARON ON THE OCCASION OF HIS RECEIPT OF THE PINNAacle AWARD FROM THE AMERICAN PHARMACISTS ASSOCIATION FOUNDATION IN RECOGNITION OF HIS PIONEERING WORK TO ADDRESS THE PHARMACY NEEDS OF UNDERSERVED COMMUNITIES

HON. LUCILE ROYBAL-ALLARD OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to honor Professor Mel Baron of the University of Southern California School of Pharmacy upon his receipt of the Pinnacle Award for Individual Achievement by the American Pharmacists Association Foundation (APHA).

Dr. Baron, who is now celebrating his 52nd year in the pharmacy profession, ranks as a practice pioneer, an educational futurist and a regional force in meeting the pharmacy needs in our community. An innovator and a visionary in establishing pharmacy as part of the solution in meeting the health-care needs of Southern California’s 2.7 million uninsured residents. Dr. Baron is a recognized leader in providing expanded pharmacy services in safety-net clinics that increase the numbers of patients served while also providing better and more cost-efficient care. His pioneering effort to secure USC’s first funding grant for clinical pharmacy practice in safety-net clinics earned the School of Pharmacy the APHA Pinnacle Award for Group Practice, the American Society of Health-System Pharmacists’ (ASHP) Best Practices Award and the American Association of Colleges of Pharmacy’s (AAPC) Transformative Community Service Award over the past few years.

Furthering his efforts to address the needs of underserved populations in Southern California, Dr. Baron has produced a series of Spanish and English fotonovelas (comic book-like pamphlets) on medication compliance, diabetes, folic acid, depression, dementia, pediatric asthma and childhood obesity. Recognizing the challenge of providing accessible health information on these topics, Dr. Baron obtained grant funding to produce them. Through these materials, he has extended the reach of pharmacy expertise tremendously and offered vital information to the residents I represent in East Los Angeles. These resources have now been distributed across the country. In addition to the print versions, local actors have done theatrical readings of them at health fairs in Los Angeles. Currently, he is also leading an effort to produce a DVD series for prospective transplant patients and their families.

Earlier in his career, Dr. Baron worked in his own medical-building pharmacy. In the 1970s, he grew his business into a vibrant home-care pharmacy that met the pressing needs of patients struggling to live in a health-care environment with limited resources. At a time when home-care pharmacy services were in their infancy, Dr. Baron had the vision to use pharmacist expertise in the home-care setting to meet the needs of these patients.

Dr. Baron also approaches his teaching with excellence in mind. He originated externships for USC pharmacy students back in the 1980s—long before most pharmacy students were doing any clinical work in the early years of their curriculum. Dr. Baron recognized the wisdom of exposing pharmacy students to clinical settings early and often in their educational careers. Dr. Baron has also made it a priority to teach an annual course on leadership to pharmacy students.

Clearly, Dr. Baron has been at the forefront of the most pressing issues of pharmacy today. Through hard work, Dr. Baron’s long and vibrant career has been marked by pioneering foresight and vision. In addition, his work has inspired students and served those in our community who are most vulnerable and in need.

Mr. Speaker, I ask my colleagues to please join me in congratulating Dr. Baron on his receipt of the Pinnacle Award and in thanking him for his half-century of exceptional service to our community. His tireless leadership, innovation and inspiration have made a tremendous contribution to our community and to the nation, and I extend to him my best wishes for many more successful years ahead.

YORK RIVER WILD AND SCENIC RIVER STUDY ACT OF 2011

HON. CHELLIE PINGREE OF MAINE IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Ms. PINGREE of Maine. Mr. Speaker, the York River in Maine is the cultural and economic heart of the York River watershed community. Standing on the banks of the river, I heard from community members about what the river means to them and how they have pulled together to protect this waterway. I also heard from the community about how the York River needs additional protections from increasing development pressures. The bill that I am introducing today contains a feasibility study which will provide a comprehensive overview of the river and will evaluate whether the York River qualifies as a Wild and Scenic Partnership River within the National Park Service’s Wild and Scenic Rivers System.

Watching two York River lobstermen tie up their boat, I wouldn’t have guessed that the York River area is on the northern fringe of the Boston megalopolis in terms of population and development pressures. The towns of York, Eliot, Kittery, and South Berwick recognize that without additional knowledge and management tools, the river’s unique cultural, recreational, commercial and natural resources will be threatened. Support for the York River Study Bill was the result of a partnership between the local environmental community, a local land trust, support from the state, and, most importantly, support from an entire community of Mainers with the foresight to recognize the value of the river to the business community.

The York River is located in southern Maine and runs 11.25 miles from the York Pond in Eliot to the mouth of the river harbor in the town of York. On its way from the land to the sea, this river passes by farms, old mills that date back to the 1600s, wharves and warehouses from the 1700s that tell the story of Maine’s rich fishing heritage, public boat launches, working waterfronts, and recreational spots for lunching, fishing and kayaking. There have been concerted and successful efforts over the past ten years by the York Land Trust and the Mount Agamnicetus to the Sea Conservation Initiative and in three years these efforts have included preserving historic waterfront access, preventing the subdivision of farms, and restoring habitat.

Listed as a Priority Coastal Watershed by the Maine Department of Environmental Protection, the York River watershed encompasses a wide diversity of habitats and ecological communities that support species including the wild brook trout, the Atlantic Salmon, the New England Cottontail, and Maine endangered species, such as the Eastern Box Turtle. choir to come to the York River to see exceptional varieties of birds including the threatened Harlequin Duck, which is seldom seen from shore anywhere in Maine except York County, as well as other species that call
COMMEMORATING THE 175TH ANNIVERSARY OF THE NATIONAL LIBRARY OF MEDICINE

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. BURGESS. Mr. Speaker, today I rise to commemorate the 175th anniversary of the National Library of Medicine. What began in 1836 as a small collection of medical books on a shelf in the library of the U.S. Army Surgeon General is now the world’s largest biomedical library. The National Library of Medicine, part of the National Institutes of Health, is located in Bethesda, Maryland.

Today, the National Library of Medicine is much more than a collection of books. The National Library of Medicine is dedicated to the innovative use of communications and medical information to enhance public access and understanding of human health as well as to provide valuable information resources for medical research. Whether it is serving to facilitate advances in medical technology, empowering the public to play an active role in managing health and health care, developing groundbreaking electronic health records, or responding to natural and man-made disasters such as those experienced with the SARS epidemic and management research, the National Library of Medicine is the world’s most trusted resource for health information and innovation.

This historic anniversary is an opportunity to recognize the valuable contributions the National Library of Medicine has made to scientific discovery, health care delivery, and public health response. It is with great honor that I congratulate the National Library of Medicine on 175 years of excellence in medical and health information and look forward to seeing the positive effects its continuing innovation will have in the future.

HONORING NINOSKA PEREZ CASTELLON

HON. MARIO DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. DIAZ-BALART. Mr. Speaker, I rise today to recognize the work and accomplishments of a distinguished radio journalist, artist and community activist of South Florida, Ninoska Perez Castellon.

Ninoska Perez Castellon is a prominent figure among the exiled Cuban community and deserves our utmost respect for always promoting democracy and freedom. Ninoska was born in Havana, Cuba. At the age of nine, her family was forced to flee from communist Cuba, leaving Ninoska to begin a new life in the United States. Ninoska’s family began to transition to their new life by adapting to the American culture and language; nevertheless, their roots were never forgotten.

Being raised and educated in Miami allowed her to be close to her family who ingrained values and moral principles into the girl that hold true today. Her mother, Mrs. Rogelia Castellon has not only been a loving mother but has also been a fountain of knowledge and wisdom for her daughter. Rogelia is an intellectual and indefatigable fighter for the liberty of Cuba. Despite the tribulations she has endured, Rogelia refuses to be discouraged.

Learning perseverance from her mother, Ninoska completed her studies at Miami-Dade College and the University of Miami. At a very young age, Ninoska began her role as an active leader against the tyranny of Castro’s communism. She has not only advocated for Cuba’s liberty on American soil but her message has reached many hearts and ears around the world. Her voice has broken many barriers of an enslaved country living under the most prolonged and cruellest dictatorship in the continent.

Ninoska and her husband, Roberto Martin Perez, tirelessly condemn each crime committed by the Castro regime. Roberto is an exemplary individual who experienced firsthand the horrors of Cuban prisons with courage and dignity for over 25 years.

Ninoska’s profound knowledge and expertise led her to testify before the U.S. Congress as an expert witness on Cuban issues. As a founder of various Cuban-American organizations, Ninoska has gained the respect of numerous exiled communities residing in South Florida.

Ninoska symbolizes the American dream and is testament to what can be accomplished through hard work and dedication. For over 25 years, she has developed professionalism in her work as a journalist and is now one of the most recognized personalities in radio, television and print media. She currently produces and directs the program Ninoska Mambi on the Klasikietic Spanish radio station Radio Mambi. In addition to her continued journalistic success, Ninoska is also a talented artist. Her artwork portrays her undying love of Cuba and has been displayed in many galleries.

As a lover of freedom and democracy, Ninoska defends the United States with the same dedication and passion as she does for Cuba. Ninoska, having immense passion, has never ceased to denounce the crimes and abuses of totalitarian regimes. Her ideas and knowledge will be everlasting in the books she has written.

Mr. Speaker, I ask my colleagues to join me in recognizing my dear friend, Mrs. Perez Castellon for her morals and principles, her loyalty and love of Cuba, as well as her talent and dedication to our community of South Florida. My most sincere appreciation and admiration goes out to you, Ninoska Perez Castellon, you are a special person who has dedicated a life both, personally and professionally, fighting for democratic principles and the liberty of Cuba.

JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF
HON. LAURA RICHARDSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 22, 2011

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 221) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity.

Ms. RICHARDSON. Mr. Chair, I rise in strong support of the Capps amendment to H.R. 2021.

I thank my colleague, the gentlelady from California for bringing this amendment to the floor.

The Capps amendment corrects a glaring flaw in this legislation by making sure the liberty of states who have already been delegated authority to continue to regulate and monitor air pollution from offshore oil and gas operations that will ultimately affect their residents. H.R. 2021 seeks to degrade state permitting powers by cutting time from permitting citizen engagement, and shifting responsibilities back to the Environmental Protection Agency.

I find it interesting that some of my colleagues who campaign on small government have decided to fight regulation by stripping authority from local agencies and handing it over to a federal bureaucracy!

Under the Clean Air Act, states have the right to issue permits and regulate emissions according to their own criteria, which either meet or exceed national standards. States and localities should take the lead in regulating pollution because they are most responsive to the concerns of their citizens and...
familiar with the dynamics at work on the ground.

In my home state of California, cities such as Los Angeles, where my 37th Congressional District is located, have struggled with air pollution for decades.

Thanks to the efforts of state regulatory agencies, such as the California Air Resources Board, the region has seen a marked improvement in air quality and other environmental indicators. The number of air quality alerts has fallen from over 200 per year in the 1970s to less than 10 per year today.

For 17 years, the Air Resources Board has regulated and monitored oil and gas operations near my district. The standards they employ were developed over nearly 5 decades of experience, and, most importantly, they remain directly accountable to the people and communities of California.

Mr. Chair, I believe that if a state invests time and money towards establishing high standards and creating innovative solutions to a problem, they ought to enjoy the full support of the law.

I urge my colleagues to support the Capps amendment.

HONORING U.S. MERCHANT MARINE

HON. TOM REED
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. REED. Mr. Speaker, I rise today to acknowledge the tremendous work accomplished by the U.S. Merchant Marine during World War II.

Those who served on ships in the Merchant Marine risked their lives and welfare during World War II to protect our country. Like our other service members, the Merchant Marine members served in both theaters of war. They faced enemy fire, floating mines and other dangerous conditions. Unfortunately the risks faced by these brave men have often been forgotten.

Mr. Speaker, one of my constituents, Jacena Brah, wrote me a letter to tell me about her husband, Vernon Lee Brah, who served in the U.S. Merchant Marine. I’m proud to recognize Mr. Brah and all the brave men who served in the Merchant Marine during World War II. These men committed their lives to America’s cause by leaving their families and their homes and putting themselves in harm’s way to help win the war. I commend these brave souls for all that they did to ensure our freedom. The Merchant Marine helped lead us to victory.

The sacrifices of our veterans have been appreciated throughout the history of our nation, and that demonstration of respect should not be denied to those in Merchant Marine who also defended our nations’ interests in World War II.

HONORING JEANNETTE SUTHERLIN

HON. JEFF DENHAM
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Jeanette Sutherlin on her retirement from the University of California Cooperative Extension; and to thank her for her dedicated, lifelong spirit of community service.

Since joining the University of California Cooperative Extension in 1973, Jeanette has been a leading advocate for nutrition and agricultural education, working tirelessly to implement nutrition education and youth development programs throughout Fresno County.

Jeanette began her career at the University of California Cooperative Extension in Fresno County as the 4-H Advisor. She later took over the role of Nutrition, Family and Consumer Sciences Advisor where she focused on providing nutrition education and access to healthy nutrition for low-income families in Fresno County. In addition, she successfully secured more than a half-million dollars in grants each year to fund multiple projects related to nutrition and agricultural education.

Jeanette’s hard work in the Fresno County agriculture industry is deeply valued by those who have worked with her. One of Jeanette’s main focuses was strengthening a nearly decade-long relationship between the University of California Cooperative Extension and the Fresno County Farm Bureau. President Brian Pacheco commemorated Jeanette’s contributions to the Fresno County Farm Bureau, stating, “Jeanette’s expertise in nutrition education, youth development and administration has been an asset to the Fresno County Farm Bureau, and her services will not be soon forgotten.”

Beyond her work at the University of California Cooperative Extension and Fresno County Farm Bureau, Jeanette has volunteered much of her time to philanthropic endeavors. She currently serves as Chairperson of the Board for the Trauma Intervention Program, providing emotional aid and practical support to victims of traumatic events and their families in the hours following a tragedy.

Mr. Speaker, please join me in honoring Jeanette Sutherlin on her retirement and wishing her the best of luck and health in her future endeavors.

SUPPORT OF A NATIONAL WORLD WAR I MEMORIAL

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Ms. NORTON. Mr. Speaker, I submit the following:

Whereas, the year 2014 marks the centennial of World War I, often referred to as the “Great War.”

Whereas, the National Mall is home to memorials for America’s major 20th century conflicts—the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial, with the exception of a World War I Memorial;

Whereas, the District of Columbia Memorial, managed by the National Park Service, was dedicated to the more than 26,000 District of Columbia residents who, without a vote in Congress, served bravely in World War I; and, be it therefore

Resolved that, Congress should authorize a study or commission to determine a proper location for a memorial dedicated to all Americans who served in World War I.

AMERICA INVENTS ACT

SP EECH OF
HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform.

Mr. SMITH of New Jersey. Madam Chair, for over two decades, USPTO has had an internal policy that human beings at any stage of development are not patentable subject matter under 35 U.S.C. Section 101. I commend Chairman Lamar Smith for including in the manager’s amendment to H.R. 1249, the America Invents Act, a provision that will codify an existing pro-life policy rider included in the CJS Appropriations bill since FY2004.

This amendment, commonly known as the Weldon amendment, ensures the U.S. Patent and Trade Office, USPTO, does not issue patents that are directed to or encompassing a human organism.

Codifying the Weldon amendment simply continues to put the weight of law behind the USPTO policy. This amendment and USPTO policy reflect a commonsense understanding that no member of the human species is an “invention,” or property to be licensed for financial gain. Patents on human organisms commodify life and allow profiteers to financially gain from the biologic and life of another human person.

Codifying a ban on patenting of humans would not violate international obligations under the TRIPs agreement with the WTO, in which member countries can exclude from patentability subject matter to prevent commercial exploitation which is “necessary to protect public morality, [and] to protect human, animal or plant life.” (The Agreement on Trade-Related Aspects of Intellectual Property Rights, Article 27, Section 5).
Long-standing American patent and trademark policy states that human beings at any stage of development are not patentable, subject to matters under 35 U.S.C. section 101. Though this policy would not issue patents on human embryos, Congress has remained silent on this subject. Though this amendment would not actually ban this practice of the Patent Office, it would simply reaffirm current U.S. patent policy and ensure there is not financial gain or ownership of human beings by those who engage in these practices.

This amendment simply mirrors the current patent policy concerning patently human beings. The Patent Office has, since 1980, in a series of rulings, issued a broad interpretation of subject matter, from microorganisms to nonhuman animals. It does not issue patents on human beings nor should it. Congress should reaffirm this policy, and this amendment simply accomplishes this by restricting funds for issuing patents on human embryos, human organisms.

Congress should speak out, and I encourage my colleagues to support this amendment.

I would like to add, Mr. Chairman, that this has no bearing on stem cell research or patents on genetic material, including human embryos, human fetuses or human beings.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding to me. I think I heard the gentleman say this, but I want it repeated again so it is clear. Is the gentleman saying specifically this amendment would not interfere in any way with any existing patents with respect to stem cells?

Mr. WELDON of Florida. Reclaiming my time, Mr. Chairman, I would respond that, in fact, it would not interfere. I think that there are many institutions, particularly in Wisconsin, that have extensive patents on human genes, human stem cells. This would not affect any of those current existing patents.

The Patent Office policy is not to issue these patents, and there never has been one. The Congress has been silent on this issue. I am trying to put on record that we support the Patent Office in this position that human life in any form should not be patentable.

Mr. OBEY. I appreciate the gentleman’s clarification.

Mr. WELDON of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. WELDON). The amendment was agreed to.

SPEECH OF HON. DAVE WELDON OF FLORIDA IN THE HOUSE OF REPRESENTATIVES, WEDNESDAY, NOVEMBER 5, 2003

Mr. WELDON of Florida. Mr. Speaker, this summer I introduced an amendment that provides congressional support for the current federal policy pertaining to these matters. It was approved by the House of Representatives without objection on July 22, 2003, as Sec. 801 of the Commerce/Justice/State Appropriations Act, 2004.

Since that time, the Biotechnology Industry Organization (BIO) has launched a lobbying campaign against the amendment, and legislation was introduced in the broader “Coalition for the Advancement of Medical Research” (CAMR), an umbrella organization of groups supporting human cloning for research.

BIO and CAMR claim to support the current policy of the U.S. Patent and Trademark Office (USPTO) against patenting human beings. However, they oppose this amendment, saying it would have a far broader scope—potentially prohibiting patenting of stem cells limited to those creating human embryos, prosthetic devices, and in short almost any drug or product that might be used in or for human beings.

I believe that is contrary to current USPTO policy when one compares the language of the amendment with the language of the current USPTO policy that these groups claim to support.

The House-approved amendment reads: “None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.”

The current USPTO policy is set forth in two internal documents:

1. U.S. Patent and Trademark Office, “Notice: Animals—Patentability,” 1077 Official Gazette U.S. Pat. and Trademark Off. 8 (April 21, 1987): “The Patent and Trademark Office now considers non-naturally occurring non-human multicellular living organisms, including animals, to be patentable subject matter within the scope of 35 U.S.C. 101. . . . A claim directed to or including within its scope a human being will not be considered patentable subject matter under 35 U.S.C. 101. The grant of a limited, but exclusive property right in a human being is prohibited by the Constitution. Accordingly, it is suggested that any application or non-plant multicellular organism which would include a human being within its scope include the limitation ‘non-human’ to avoid this ground of rejection.”

2. “The Patent and Trademark Office now considers non-naturally occurring non-human multicellular living organisms, including animals, to be patentable subject matter within the scope of 35 U.S.C. 101. . . . A claim directed to or including within its scope a human being will not be considered patentable subject matter under 35 U.S.C. 101. The grant of a limited, but exclusive property right in a human being is prohibited by the Constitution. Accordingly, it is suggested that any application or non-plant multicellular organism which would include a human being within its scope include the limitation ‘non-human’ to avoid this ground of rejection.”

(Notice which responded to the Supreme Court’s 1980 decision in Chakrabarty complex and genealogy that a modified bacterium, could be patented, and a subsequent decision by the USPTO’s own Board of Appeals in Ex parte Allen that a multicellular organism such as a modified oyster is therefore patentable as well. The USPTO sought to ensure that these policy conclusions would not be misconstrued as allowing a patent on a human organism.)


“ ‘If the broadest reasonable interpretation of the claimed invention as a whole encompasses a human being, then a rejection under 35 U.S.C. 101 must be considered. Furthermore, it is understood that the claimed invention is directed to non-statutory subject matter.’

In other words, the USPTO clearly distinguishes between organisms that are nonhuman and therefore are patentable and those organisms that are human and therefore not patentable subject matter.

As a USPTO official testified recently to the President’s Council on Bioethics: ‘When a patent claim includes or covers a human being, the USPTO can claim the claim on the grounds that it is directed to non-statutory subject matter. When examining a patent application, a patent examiner must construe the claim presented as broadly as is reasonable in light of the application’s specification. If the examiner determines that a claim is directed to a human being at any stage of development as a product, the examiner rejects the claims on the grounds that it includes non-statutory subject matter and provides the applicant with an explanation. This is the interpretation of the applicant that a claim amendment adding the qualifier, nonhuman, is needed, pursuant to the instructions of MPEP 2106. The MPEP states: ‘Considerations expressly addressed in or addressed to a human embryo. In practice, examiners treat such claims as directed to a human embryo.”
being and reject the claims as directed to non-statutory subject matter.” (Testimony of Karen Hauda on behalf of USPTO to the President’s Council on Bioethics, June 20, 2002, http://www.bio.org/ip/cloningfactsheet.asp)

Current USPTO policy, then, is that any claim directed to human organisms is “non-takable” if by intent or construction it is “directed to” or “encompassing,” a human being, and any claim reaching beyond “nonhuman” organisms to cover human organisms (though human embryos) must be rejected. My amendment simply restates this policy, providing congressional support so that federal courts will not invalidate the USPTO’s current policy beyond the jurisdiction of Congress (as they invalidated the earlier USPTO policy against patenting living organisms in general). Literally the only different in my amendment and any of these USPTO documents is that the amendment uses the term “human organism,” while the USPTO usually speaks of the non-patentability of (anything that can be broadly construed as) a “human being.” But “human organism” is more politically neutral and more precise, having a long history of usage in federal law.

Since 1996, Congress has annually approved a rider to the Labor/HHS appropriations bill that permanently blocks funding of research in which human embryos are created or destroyed—and this rider defines a human embryo as a “human organism” not already protected under federal regulation on fetal research. In December 1998 testimony before the Senate Appropriations Subcommittee on Labor/HHS/Education, a wide array of expert witnesses—including NIH Director Harold Varmus and the head of a leading company in BIO—testified that this rider does not forbid funding research on embryonic stem cells, only research using “organisms” which human embryos are created or destroyed—and this rider defines a human embryo as a “human organism” not already protected under federal regulation on fetal research. In December 1998 testimony before the Senate Appropriations Subcommittee on Labor/HHS/Education, a wide array of expert witnesses—including NIH Director Harold Varmus and the head of a leading company in BIO—testified that this rider does not forbid funding research on embryonic stem cells, only research using “organisms” which human embryos are created or destroyed—and this rider defines a human embryo as a “human organism” not already protected under federal regulation on fetal research.

The USPTO’s policy of rejecting stem cell research patents (as such) has been supported by a wide array of experts, and thus the USPTO has issued patents on human embryonic stem cells conditioned on the USPTO’s understanding—expressed in its comments to the author of the amendment—that the claims be directed to subject matter other than human organisms. For the reasons outlined below, we view the Weldon amendment as fully consistent with USPTO’s policy on the non-patentability of human life-forms.

The USPTO undertook the Weldon Amendment to provide unequivocal congressional backing for the long-standing USPTO policy of refusing to grant any patent containing a claim directed to a human organism (of the species Homo sapiens at any stage of development. It has long been USPTO practice to reject any claim in a patent application that encompasses a human life-form at any stage of development, including a human embryo or human fetus; hence claims directed to living “organisms” are to be rejected unless they include the adjective “nonhuman.”

The USPTO’s policy of rejecting patent application claims that encompass human life-forms, which the Weldon Amendment explicitly licenses as “inventions” and hence presumably holds as actionable under patent law, the intent of the Weldon Amendment is not only to nullify this policy in court (or have courts reinterpret it into uselessness) if it lacks explicit support in statutory law. This goal is well-intentioned, and is consistent with the author’s objectives. However, the USPTO has explicitly stated in its comments that the Weldon Amendment would not alter the USPTO’s current policy of rejecting claims directed to human life-forms, and thus it is not clear what effect the Weldon Amendment would really have on the USPTO’s current policy of rejecting claims directed to human life-forms.

This goal is well-intentioned, and is consistent with the author’s objectives. However, the USPTO has explicitly stated in its comments that the Weldon Amendment would not alter the USPTO’s current policy of rejecting claims directed to human life-forms, and thus it is not clear what effect the Weldon Amendment would really have on the USPTO’s current policy of rejecting claims directed to human life-forms.

The Weldon Amendment would prohibit any claim “on claims directed to or encompassing a human organism.” The USPTO undertook the Weldon Amendment to provide unequivocal congressional backing for the long-standing USPTO policy of refusing to grant any patent containing a claim directed to a human organism (of the species Homo sapiens at any stage of development). It has long been USPTO practice to reject any claim in a patent application that encompasses a human life-form at any stage of development, including a human embryo or human fetus; hence claims directed to living “organisms” are to be rejected unless they include the adjective “nonhuman.”

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under this Act may be used to issue patents on claims directed to or encompassing a human organism.

The current Patent Office policy is that "non-human organisms, including animals" are patentable subject matter under 35 U.S.C. 101, but that human organisms, including human embryos and human fetuses, are not patentable. Therefore, any claim directed to a living organism must include the qualification "non-human" to avoid rejection. This amendment provides unequivocal congressional support for this current practice of the U.S. patent office.

House and Senate appropriators agreed on reporting the manager's statement on section 634. The statement reads: "The conferees have included a provision prohibiting funds to process patents of human organisms, including human embryos and human fetuses, on section 634. The statement reads: "The USPTO understands the Weldon Amendment to procedural congressional backing for the long-standing USPTO policy of refusing to grant any patent containing a claim that encompasses any member of the species Homo sapiens at any stage of development, including a human embryo or human fetus. . . . The USPTO's policy of rejecting patent application claims that encompass human lifeforms, which the Weldon Amendment elevates to an unequivocal congressional prohibition, applies regardless of the manner and mechanism used to bring a human organism into existence (e.g., somatic cell nuclear transfer, in vitro fertilization, parthenogenesis). This amendment applies to patents on human organisms regardless of where the organism is located, including, but not limited to, a laboratory or a human, animal, or artificial uterus.

Some have questioned whether the term "organism" could include "stem cells". The answer is no. While stem cells can be found in human organisms (at every stage of development, including a human embryo, fetus, infant, child, adolescent, or adult, regardless of whether the organism was produced through technological methods, including, but not limited to, in vitro fertilization, somatic cell nuclear transfer, or parthenogenesis). This amendment applies to patents on human organisms regardless of where the organism is located, including, but not limited to, a laboratory or a human, animal, or artificial uterus.

The manager's statement refers to my discussion with Senator David Oyagi, when I explained that the amendment "only affects patenting human organisms, human embryos or human fetuses". In response to Chairman Oyagi's inquiry, I pointed out that there are existing patents on stem cells, and that this amendment would not affect such patents.

Here I wish to elaborate further on the exact scope of this amendment. The amendment applies to patents on claims directed to or encompassing a human organism at any stage of development, including a human embryo, fetus, infant, child, adolescent, or adult, regardless of whether the organism was produced through technological methods, including, but not limited to, in vitro fertilization, somatic cell nuclear transfer, or parthenogenesis). This amendment applies to patents on human organisms regardless of where the organism is located, including, but not limited to, a laboratory or a human, animal, or artificial uterus.

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The advance of biotechnology provides enormous potential for developing innovative science and therapies for a host of medical needs. However, it is inappropriate to turn nascent individuals of the human species into profitable commodities to be owned, licensed, marketed and sold. Congressional action is needed to halt the process of human organs into profit.
CONGRATULATING COLONEL GINA M. GROSSO ON HER ELEVATION TO BRIGADIER GENERAL

HON. JON RUNYAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. RUNYAN. Mr. Speaker, I humbly rise today to congratulate one of my constituents, Colonel Gina M. Grosso, on her elevation to the rank of Brigadier General. Brigadier General Grosso is currently the Joint Base and 87th Air Base Wing Commander at Joint Base McGuire-Dix-Lakehurst in my district. She entered the Air Force in 1986 as a ROTC distinguished graduate from Carnegie-Mellon University. She has held several command and staff positions throughout her career. Her command tours include Headquarters Squadron Section, Military Personnel Flight, Mission Support Squadron, and command of the Air Force’s sole Basic Military Training Group. I am tremendously proud of Brigadier General Grosso and I know she will continue to serve her country with honor and distinction. Mr. Speaker, please join me in congratulating Brigadier General Gina M. Grosso.

INTRODUCTION OF THE PREPARE ALL KIDS ACT OF 2011

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mrs. MALONEY. Mr. Speaker, the value of investing in education is clear. Early education lays the foundation for lifelong learning and prepares children to succeed academically and in life. Studies show that children who attend high-quality preschool are more successful in school, more likely to graduate from high school, and thus more likely to become productive adults who contribute to the U.S. economy.

That is why today I am pleased to reintroduce the Prepare All Kids Act, which would assist states in providing at least one year of high-quality pre-kindergarten to children, with a focus on children from low-income families and children with special needs. This legislation ensures a high-quality learning environment by limiting classroom size to a maximum of 20 children and children-to-teacher ratios to no more than 10 to 1. Study after study has shown that children who enter preschool programs are better prepared to enter kindergarten and to succeed in school.

I urge my colleagues to support the Prepare All Kids Act and further invest in our nation’s great resource—our children.

SALUTING SERVICE ACADEMY STUDENTS

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. JOHNSON of Texas. Mr. Speaker, I rise today to honor an extraordinary group of young men and women who have been chosen as future leaders in our armed forces by the prestigious United States service academies. It is a privilege to send such a fine group from the Third District of Texas to pursue a world-class education and serve our nation.

As we keep them and their families in our prayers, may we never forget the sacrifices they are preparing to make while defending our freedoms all across the globe. I am so proud of each one. God bless them and God bless America. I salute these young men and women.

The name and hometown of each appointee follows:

UNITED STATES MILITARY ACADEMY
1. Brianna Burnstäd—Plano, Texas—Plano Senior High School
2. Kevin Cartinger—Plano, Texas—Plano West Senior High School
3. SPC David Crossley—Plano, Texas—Plano Senior High School *Previous active duty service in the U.S. Army as an E-4
4. Christopher Gordon—Plano, Texas—Plano West Senior High School *Attended Boston University
5. Corporal Benjamin Ridder—Allen, Texas—Allen High School *Previous active duty service in the U.S. Army as an E-4
6. Michael Roberto—Plano, Texas—Cistercian Preparatory School

UNITED STATES NAVAL ACADEMY
1. James Kennington—Plano, Texas—Plano West Senior High School
3. Ryan Martinez—Plano, Texas—Cistercian Preparatory School

UNITED STATES AIR FORCE ACADEMY
1. Elizabeth Carpenter—Murphy, Texas—Plano East Senior High School
2. Emma Bridge—Allen, Texas—Allen High School
3. Joseph Hays—Plano, Texas—Plano West Senior High School
4. Jeffrey Herrera—Murphy, Texas—Wylie High School
5. Corbin Palmer—Frisco, Texas—Centennial High School *Attended the U.S. Air Force Academy Preparatory School

UNITED STATES MERCHANT MARINE ACADEMY
1. Emily Boyson—Garland, Texas—Bishop Lynch High School
2. Kloumans Rezaie—Plano, Texas—Plano West Senior High School
3. Amanda Rigby—Plano, Texas—Plano East Senior High School

PERSONAL EXPLANATION

HON. BILLY LONG
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. LONG. Mr. Speaker, on Monday, May 23, Tuesday, May 24, Wednesday, May 25, Thursday, May 26 and Friday, May 27, I was in Joplin, Missouri, assisting my constituents as they work to recover from one of the deadliest tornados in United States history. I was able to interact directly with Federal Emergency Management Agency officials, including Administrator William Frenney, in trying to assist my constituents as best I could.

Due to this tragedy, I was unable to vote on any legislative measure this week. On Motion to Suspend the Rules and Pass as Amended the Honoring American Veterans Act of 2011, Rollcall Vote No. 330, had I been present I would have voted “yes.” On Motion to Suspend the Rules and Pass as Amended the Restoring GI Bill Fairness Act of 2011, Rollcall Vote No. 331, had I been present I would have voted “yes.”

On Motion to Suspend the Rules and Pass as Amended the Restoring GI Bill Fairness Act of 2011, Rollcall Vote No. 332, had I been present I would have voted “yes.”

On the amendment of Ms. FOXX of North Carolina, Amendment No. 2 to H.R. 1216, Rollcall Vote No. 336, had I been present I would have voted “no.”

On Amendment No. 6 of Mr. TONKO of New York, Amendment No. 2 to H.R. 1216, Rollcall Vote No. 336, had I been present I would have voted “no.”

On Amendment of Ms. CARDOZA of California, Amendment No. 9 to H.R. 1216, Rollcall Vote No. 337, had I been present I would have voted “no.”

On Amendment of Mr. CARDOZA of California, Amendment No. 9 to H.R. 1216, Rollcall Vote No. 338, had I been present I would have voted “no.”

On Amendment of Ms. FOXX of North Carolina, Amendment No. 2 to H.R. 1216, Rollcall Vote No. 338, had I been present I would have voted “no.”

On Amendment of Mr. CARDOZA of California, Amendment No. 9 to H.R. 1216, Rollcall Vote No. 339, had I been present I would have voted “no.”

On Motion to Recommit with Instructions H.R. 1216, Rollcall Vote No. 339, had I been present I would have voted “no.”

On Motion to Suspend the Rules and Pass as Amended the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to a certification of appropriations, Rollcall Vote No. 340, had I been present I would have voted “yes.”

On Ordering the Previous Question for H. Res. 276, Providing for further consideration of
H.R. 1540, Rollcall Vote No. 341, had I been present I would have voted "yes."

On the amendment of Mr. BUCHANAN of Florida, Amendment No. 43 to H.R. 1540, Rollcall Vote No. 357, had I been present I would have voted "yes."

On the amendment of Ms. MALONEY of New York, Amendment No. 32 to H.R. 1540, Rollcall Vote No. 349, had I been present I would have voted "no."

On the amendment of Mr. HINES of Connecticut, Amendment No. 30 to H.R. 1540, Rollcall Vote No. 350, had I been present I would have voted "yes."

On the amendment of Ms. JACKSON LEE of Texas, Amendment No. 31 to H.R. 1540, Rollcall Vote No. 351, had I been present I would have voted "no."

On the amendment of Mr. ANDREWS of New Jersey, Amendment No. 32 to H.R. 1540, Rollcall Vote No. 352, had I been present I would have voted "no."

On the amendment of Mr. RICHMOND of Louisiana, Amendment No. 37 to H.R. 1540, Rollcall Vote No. 353, had I been present I would have voted "yes."

On the amendment of Mr. Mica of Florida, Amendment No. 38 to H.R. 1540, Rollcall Vote No. 354, had I been present I would have voted "yes."

On the amendment of Mr. FLAKE of Arizona, Amendment No. 40 to H.R. 1540, Rollcall Vote No. 355, had I been present I would have voted "yes."

On the amendment of Mr. SMITH of Washington, Amendment No. 42 to H.R. 1540, Rollcall Vote No. 356, had I been present I would have voted "yes."

On the amendment of Mr. BUCHANAN of Florida, Amendment No. 43 to H.R. 1540, Rollcall Vote No. 357, had I been present I would have voted "yes."

On the amendment of Ms. MALONEY of New York, Amendment No. 47 to H.R. 1540, Rollcall Vote No. 358, had I been present I would have voted "yes."

On the amendment of Mr. MACK of Florida, Amendment No. 48 to H.R. 1540, Rollcall Vote No. 359, had I been present I would have voted "yes."

On the amendment of Mr. LANGEVIN of Rhode Island, Amendment No. 49 to H.R. 1540, Rollcall Vote No. 360, had I been present I would have voted "no."

On the amendment of Mr. AMASH of Michigan, Amendment No. 50 to H.R. 1540, Rollcall Vote No. 361, had I been present I would have voted "no."

On the amendment of Mr. CAMPBELL of California, Amendment No. 53 to H.R. 1540, Rollcall Vote No. 362, had I been present I would have voted "no."

On the amendment of Mr. CHAFFETZ of Utah, Amendment No. 56 to H.R. 1540, Rollcall Vote No. 364, had I been present I would have voted "no."

On the amendment of Mr. POLIS of Colorado, Amendment No. 60 to H.R. 1540, Rollcall Vote No. 368, had I been present I would have voted "no."

On the amendment of Mr. CONVERS of Michigan, Amendment No. 61 to H.R. 1540, Rollcall Vote No. 366, had I been present I would have voted "yes."

On the amendment of Mr. FLAKE of Arizona, Amendment No. 62 to H.R. 1540, Rollcall Vote No. 367, had I been present I would have voted "no."

On the amendment of Mr. ELLISON of Minnesota, Amendment No. 63 to H.R. 1540, Rollcall Vote No. 369, had I been present I would have voted "no."

On the amendment of Mrs. M. SANchez of California, Amendment No. 64 to H.R. 1540, Rollcall Vote No. 369, had I been present I would have voted "yes."

On the amendment of Mr. TURNER of Ohio, Amendment No. 65 to H.R. 1540, Rollcall Vote No. 371, had I been present I would have voted "yes."

On the amendment of Mr. CRAVAACK of Minnesota, Amendment No. 152 to H.R. 1540, Rollcall Vote No. 372, had I been present I would have voted "yes."

On the amendment of Mr. MCGOVERN of Massachusetts, Amendment No. 55 to H.R. 1540, Rollcall Vote No. 373, had I been present I would have voted "no."

On Motion to Reconsider with Instructions H.R. 1540, Rollcall Vote No. 374, had I been present I would have voted "no."

On Motion to Concur in the Senate Amendment to the House Amendment, S. 990, the Small Business Additional Temporary Extension Act of 2011, Rollcall Vote No. 376, had I been present I would have voted "yes."

**AMERICA INVENTS ACT**

**SPEECH OF**

HON. LAMAR SMITH

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, June 22, 2011**

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. SMITH of Texas. Madam Chair, I submit: (1) Manager's Statement on Supplemental Examination; (2) Manager's Statement on Genetic Test Study proposed in the Managers; (3) Statement on the codification of the Weldon amendment; (4) Statement on the business method patent transitional program; (5) Statement on the PTO fee compromise provision in the Manager's amendment; (6) Copy of letter on the report of the amendment from PTO Director James Rogan; (7) Information on the Weldon amendment from the Family Research Council.

**CHAIRMAN'S FLOOR REMARKS/ MANAGER'S STATEMENT: SUPPLEMENTAL EXAMINATION IN H.R. 1249**

Mr. Speaker, this bill also contains a very important new administrative proceeding available to patent owners, to help improve the quality of issued patents. This new "Supplemental Examination" procedure encourages the voluntary and proactive disclosure of information that may be relevant to patent prosecution for the Office to consider, reconsider, or correct. The voluntary disclosure by patentees serves to strengthen valid patents, while narrowing or eliminating patents or claims that should not have been issued. Both of these provide investment in innovation by removing uncertainty about the scope, validity or enforceability of patents, and thus the use of this new proceeding by patent owners is to be encouraged.

Subparagraph (C) relating to Supplemental Examination is intended to address the circumstance where, during the course of a supplemental examination or reexamination proceeding ordered under this section, a court or administrative agency advises the PTO that it has made a determination that a fraud on the Office may have been committed in connection with the patent that is the subject of the supplemental examination. In such a circumstance, subparagraph (C) provides that, in addition to any other actions the Director is authorized to take, including the cancellation of claims found to be invalid under section 307 as a result of the reexamination ordered under this section, the Director shall also refer the matter to the Attorney General. As such, this provision is not intended to impose any obligation on the PTO beyond those it already undertakes, or require it to investigate or prosecute any such potential fraud. Subparagraph (C) is neither an investigative nor an adjudicative provision, and, as such, is not intended to expand the authority or obligation of the PTO to investigate or adjudicate allegations of fraud lodged by private parties.

Further, any referral under this subsection is not meant to relieve the Director from his obligation to conclude the supplemental examination or reexamination proceeding ordered under this section. It is important for the process to proceed through conclusion of reexamination, so that any claims that are invalid can be properly cancelled.

The decision to make referrals under subparagraph (C) is not meant to relieve the Director from his obligation to conclude the supplemental examination or reexamination proceeding ordered under this section. It is important for the process to proceed through conclusion of reexamination, so that any claims that are invalid can be properly cancelled. The decision to make referrals under subparagraph (C) is not meant to relieve the Director from his obligation to conclude the supplemental examination or reexamination proceeding ordered under this section. It is important for the process to proceed through conclusion of reexamination, so that any claims that are invalid can be properly cancelled. The decision to make referrals under subparagraph (C) is not meant to relieve the Director from his obligation to conclude the supplemental examination or reexamination proceeding ordered under this section. It is important for the process to proceed through conclusion of reexamination, so that any claims that are invalid can be properly cancelled. The decision to make referrals under sub-paragraph (C) is not meant to relieve the Director from his obligation to conclude the supplemental examination or reexamination proceeding ordered under this section. It is important for the process to proceed through conclusion of reexamination, so that any claims that are invalid can be properly cancelled. The decision to make referrals under sub-paragraph (C) is not meant to relieve the Director from his obligation to conclude the supplemental examination or reexamination proceeding ordered under this section. It is important for the process to proceed through conclusion of reexamination, so that any claims that are invalid can be properly cancelled.
GENETIC TEST STUDY IN MANAGER’S AMENDMENT (DWS)

Mr. Speaker, Section 27 of H.R. 1299 requires the Director of the U.S. Patent and Trademark Office to conduct a study on the availability of confirmatory genetic diagnostic testing services in the domestic market, and whether changes to existing patent law may promote such availability more effectively. Consistent with current law, the genetic inventions that form the basis for such diagnostic tests are eligible for patent and may be exclusively licensed by such patent holders for genetic diagnostic purposes.

This study is intended to provide unbiased, reliable information about the existing availability of independent confirmatory genetic diagnostic testing services, the demand for such testing services, in situations where genetic diagnostic tests are indeed patented and exclusively licensed. Nothing in this section shall be construed as undermining existing patent law in this regard.

This study is intended to include, but is not limited to, several specific aspects of this issue. Paragraph (1) of subsection (b) requires an assessment of whether the existing level of availability of confirmatory genetic diagnostic testing has an impact on the ability of health professionals to provide appropriate standard of medical care to recipients of genetic diagnostic testing, and includes an assessment of the extent to which patients play a role in the availability of services, and investment in the genetic diagnostic marketplace. The assessment required by this paragraph also should include empirical information about the extent to which patents have actually been enforced or asserted against the unauthorized practice of confirmatory genetic tests, and a comparison of the availability of and demand for confirmatory testing in situations where genetic tests are not patented or are not exclusively licensed. Paragraph (2) requires the Director to assess the effects of independent, unauthorized confirmatory genetic testing on patent holders or exclusively licensed test providers. The Committee urges the Director to include in this assessment the possibility of allowing confirmatory testing on authorized providers of non-exclusively licensed genetic tests as well, given that such authorized providers may already provide confirmatory testing services. Paragraph (3) requires an evaluation of the impact of patent and exclusive licensing of genetic diagnostic tests on the practice of medicine, including, but not limited to, the ability of medical professionals to interpret test results, and the ability of licensed or unlicensed test providers to provide confirmatory genetic diagnostic tests. The Director’s assessment should include information on the frequency at which confirmatory genetic diagnostic testing currently is performed by medical professionals in instances where an absence of prior exclusion or non-exclusive licensing permits multiple independent test providers. Paragraph (4) requires an assessment of the role that cost and insurance coverages, and the process to and provision of confirmatory genetic diagnostic tests today, whether patented or not or exclusively licensed or not, and should include an assessment of the extent and public cost to payers cover such costs and are likely to cover the costs of any expansion of confirmatory testing.

Additional Legislative History for the Second Opinion Confirmation Test Study in Managers’ H.R. 1299: Additional Information for the Record

Section 27 requires USPTO to conduct a study on the impact that a lack of inde-
for initiating the proceeding. It is a necessary program to allow the PTO to fix mistakes that occurred in light of an activist judicial decision in the 1986 State Street decision on non-patentable subject matter without Congress' approval.

This bill will provide the patent office with a fast, precise vehicle to review low quality business method patents, the type the Supreme Court has acknowledged are often abstract and overly broad.

And it bears repeating that defendants cannot start this program unless they can persuade a panel of judges at the outset of the proceeding that it is more likely than not that the patent is invalid. This is a high threshold for the challenger to present his best evidence and arguments at the outset. Very few patents that undergo this review are likely to be valid patents.

Specifically, the bill’s provision applies to patents that describe a sequence of steps used to conduct every day business applications in the financial products and retail service space. These are patents that can and have been asserted against all types of businesses—from community banks and credit unions to retailers like Walmart, Bed Bath & Beyond, and Office Max to other companies like Dr. Pepper Snapple Group, UPS, Hilton, AT&T, Facebook, Frito-Lay, Google, Marriott, Walt Disney, Office Max to other companies like Dr. Pepper Snapple Group, UPS, Hilton, AT&T, Facebook, Frito-Lay, Google, Marriott, Walt Disney, and YouTube.

This provision is not tied to one industry or sector of the economy—it affects everyone. For example, this program would allow the PTO to decide whether to re-examine patents for business methods related to:

- Printing ads at the bottom of billing statements
- Buying something online and picking it up in the store
- Re-ordering checks online
- Converting an IRA to a Roth IRA
- Getting a text message when you use your credit card
- Those who argue that this provision is a Wall Street bailout are just plain wrong. This is about questionable patents and the frivolous litigation that results from them. This provision is important legal reform, supported by the U.S. Chamber of Commerce and is important for American job creators.

PTO FRE DIVERSION COMPROMISE (H.R. 1249 MANAGERS)

By giving USPTO access to all its funds, the Manager's Amendment supports the USPTO's efforts to improve patent quality and remove the backlog of patent applications. To carry out the new mandates of the legislation and reduce delays in the patent application process, the USPTO must be able to use all the fees it collects.

The language in the Manager’s Amendment reflects the intent of the Judiciary Committee, the Appropriations Committee, and many stakeholders to end the fee diversion. The USPTO is 100% funded by fees paid by inventors and trademark filers who are entitled to receive the services they are paying for. The language makes clear the intention not only to appropriate to the USPTO at least the level requested for the fiscal year but also to appropriate to the USPTO any fees collected in excess of such appropriation.

Providing USPTO access to all fees collected means providing access at all points during that year, including in case of a continuing resolution. Access also means that reprogramming requests will be acted on within a reasonable time period and on a reasonable basis. It means that future appropriations must provide for the long-standing USPTO policy to guarantee USPTO access to all of its fee collections.


Hon. Ted Stevens, Chairman on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to present the Administration’s position on the Weldon Amendment (S. 3027) and the America Invents Act (H.R. 1249), which was recently adopted by the House during consideration of H.R. 2799, the Commerce-Justice-State Appropriations bill FY 2004, and the effect it would have on the United States Patent and Trademark Office (USPTO) policy on patenting living subject matter.

For the reasons outlined below, we view the Weldon amendment as fully consistent with USPTO’s policy on the non-patentability of human life-forms.

The Weldon Amendment would prohibit the U.S. Patent and Trademark Office from issuing any patent “on claims directed to or encompassing a human organism.” The USPTO understands the Weldon Amendment to provide an unprecedented basis for refusing to grant any patent containing a claim that encompasses any member of the human species at any stage of development, including a human embryo or human fetus; hence claims directed to living “organisms” are to be rejected unless they include the adjective “non-human.” The USPTO believes patent application claims that encompass human life-forms, which the Weldon Amendment elevates to an unequivocal congressional prohibition, do not allow the manner and mechanism used to bring a human organism into existence (e.g., somatic cell nuclear transfer, in vitro fertilization, parthenogenesis). If a patent examiner determines that a claim is directed to a human life-form at any stage of development, the claim is rejected as non-statutory subject matter and will not be issued in a patent as such.

As indicated in Representative Weldon’s remarks in the Congressional Record of November 5, 2003, the referenced language precludes the patenting of human embryos, including human embryos. He further indicated that the amendment has “exactly the same scope as the current USPTO policy,” whichPrecludes the Patenting of Human Embryos (H.R. 3288, P.L. 111–117) and extended by the FY2011 Omnibus spending bill (Department of Commerce, Justice, and Science Appropriations Act, 2011 (H.R. 1473, P.L. 112–10)).

Weldon Amendment, Section 518: “None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.”

Codify the Weldon Amendment—Add it to the Omnibus

Congress has each year since 2004 passed the Weldon Amendment to prevent any profiting from patents on humans. The Weldon Amendment restricts funds under the Commerce, Justice, Science Appropriations bill from being used by the U.S. Patent and Trademark Office (USPTO) to issue patents directed to “human organisms.” The America Invents Act (H.R. 1249) may authorize the USPTO to pay for the issuance of patents with “user fees” instead of with Congressionally appropriated funds. If this funding mechanism remains, the Weldon Amendment restriction would not apply since it only covers funds appropriated under the Omnibus bill. The Appropriations Committee, and the USPTO would only be allowed to use the user fee funds to pay for the issuance of patents on human beings with non-appropriated funds.

Patenting human beings at any stage of development would violate the long-standing USPTO policy against issuing any patent containing a claim that encompasses any member of the human species at any stage of development. By giving USPTO access to all fees collected, the Bill would codify that practice.

Patenting human beings would not violate international obligations under the TRIPS agreement with the WTO. The European Union prevents patents on human embryos on the ground that doing so would violate the public order and morality, and the Exception to the TRIPS agreement specifically allows under Article 27, Section 5.

What the Weldon Patent Amendment Does and Does Not Affect

The Weldon Amendment does prevent the USPTO from patenting any patents on human beings at any stage of development, including embryos or fetuses, by preventing patents on claims directed to “human organisms.” The America Invents Act’s use of the term “human organism” does include human embryos, human fetuses, human-animal chimeras, and “she-male” human embryos, or human embryos created with genetic material from more than one embryo.

The Weldon Amendment’s use of “human organism” does not include creating human embryos, such as human cloning, nor does it include non-human organisms, e.g., animals.

Then Undersecretary James Rogan wrote to Senate Appropriators on November 20, 2003 stating that the Weldon Amendment gave congressional backing to long-standing USPTO policy against patenting human beings stating:

“The Weldon Amendment would prohibit the U.S. Patent and Trademark Office from issuing any patent ‘on claims directed to or encompassing a human organism.’” The USPTO understands the Weldon Amendment to provide an unequivocal congressional backing to the long-standing USPTO policy of refusing to grant any patent containing a claim that encompasses any member of the human species at any stage of development.”

Given the scope of Representative Weldon’s amendment, it would not alter the USPTO policy on the non-patentability of human life-forms at any stage of development and is fully consistent with our policy, we support its enactment.

With best personal regards, I remain

Sincerely

JAMES E. ROGAN,
Under Secretary and Director.

FRC ACTION,
FAMILY RESEARCH COUNCIL.

Codify the Weldon Ban on Patenting Humans

Current Weldon Patent Ban on Humans

The Weldon Amendment is contained in the annual Commerce, Justice and Science Appropriations bills (CJS) and prevents the patenting of humans. Congress has passed it each year since 2004, and it was included most recently as part of the FY2010 Omnibus Spending Act (H.R. 3288, P.L. 111–117) and extended by the FY2011 Omnibus spending bill (Department of Commerce, Justice, and Science Appropriations Act, 2011 (H.R. 1473, P.L. 112–10)).
species Homo sapiens at any stage of development. It has long been USPTO practice to reject any claim in a patent application that encompasses a human life-form at any stage of development, including a human embryo or human fetus; hence claims directed to living "organisms" are to be rejected unless they include the adjective 'nonhuman.'

Second, even as early as 2003 U.S. researchers announced that they created human male-female embryos and reportedly wanted to patent this research (http://www.thenewatlantis.com/publications/my-mother-the-embryo). The researchers transplanted cells from male embryos into female embryos and allowed them to grow for six days.

Because of the possibility of court challenges to USPTO policy, Rep. Dave Weldon offered an amendment on July 22, 2003 to the CJS Appropriations bill to prevent funding for patents directed to "human organisms."

The Weldon amendment was adopted by voice vote, and was included as Section 634, Title VI of Division B, in the Consolidated Appropriations Act, 2004 (P.L. 108–199). The accompanying report language clarified its scope: "This provision prohibits funding to process patents of human organisms. The conferees concur with the intent of this provision as expressed in the colloquy held on the provision sponsored in the House, and the ranking minority member of the House Committee on Appropriations as occurred on July 22, 2003, with respect to any existing patents on stem cells." (Conference Report 108–401).

The Weldon amendment has been included each year in the CJS appropriations bill since 2004 and reflected the USPTO policy against patenting humans as outlined in 3 USPTO official publications. First, the USPTO published the "Quigg memo" in its Official Gazette on January 5, 1993, which was written in 1917 stating: "The Patent and Trademark Office now considers nonnaturally occurring non-human multicellular living organisms, including animals, to be patentable subject matter within the scope of 35 U.S.C. 101. A claim directed to or including a process for a human organism within its scope will not be considered patentable subject matter under 35 U.S.C. 101." Furthermore, it "suggests" that any claim directed to or including a process for a cellular organism which would include a human being within its scope include the limitation "non-human" to avoid this ground of rejection.

Second, the USPTO policy is also contained in an official media advisory issued on April 2, 1998 to news about a patent application directed to a human/nonhuman chimera. USPTO claimed that patenting humans/nonhuman chimera would under certain circumstances, not be patentable because, among other things, they would fail to meet the public policy/utility aspects of the utility requirement.

Third, the USPTO policy is contained in the Manual of Patent Examining Procedure (MPEP) section 2105 under "Patentable Subject Matter." The MPEP states that the USPTO "would not consider nonnaturally occurring, nonhuman multicellular living organisms, including animals, to be patentable subject matter within the scope of 35 U.S.C. 101. If the broadest reasonable interpretation of the claimed invention as a whole encompasses a human being, then a rejection under 35 U.S.C. 101 must be made indicating that the claimed invention is directed to nonstatutory subject matter.”
Mr. Speaker, I ask the House of Representatives to take a moment of silence to remember the life of C. Frederick Robinson. My condolences go out to his family and friends. I deeply mourn his passing and will miss his enthusiasm, his outspoken passion for justice, and his love of life. May his legacy of compassion for those less fortunate live on after him for many, many years.

PERSONAL EXPLANATION

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. DUNCAN of Tennessee. Mr. Speaker, on rollover No. 472, final passage of H.R. 2021 “to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities.” I mistakenly voted “nay” when I intended to vote “yea.” I have always supported efforts to expand American oil production.

ASIAN AMERICAN HOTEL OWNERS ASSOCIATION APPRECIATION

HON. JEO WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. WILSON of South Carolina. Mr. Speaker, Asians have a rich tradition of entrepreneurship, self-improvement, and family values. After India’s independence in 1947, many of that country’s young people immigrated to the United States to pursue their education and “the American Dream.” The hospitality industry was often their choice because it offered immediate housing and cash flow, as well as the opportunity to assimilate into society despite any cultural differences.

Soon, the name “Patel” became synonymous with the hotel business. In ancient India, rulers appointed a record keeper to keep track of annual crops on each parcel of land, or “pat.” That person became known as a “Patel.” At first, many of these hoteliers met with resistance, especially from bankers and insurance companies who discriminated against Indians, specifically those with the last name Patel.

To resolve this issue, a group of hoteliers formed a hospitality association in 1985 and grew its membership nationwide. Eventually the Asian American Hotel Owners Association (AAHOA) was born from the merger of similar groups. Last week, AAHOA held its annual national convention at The Sands Expo Center in Las Vegas, Nevada. I was hosted by the 2010–2011 AAHOA Board of Directors made up of Chairman Hemant (Henry) Patel, Vice Chairman Alkehs Patel, Treasurer Mukesh (Mike) Patel, Secretary Pratik (Prat) Patel, EX-Officio Chandrakant (C.K.) Patel, and President Fred Schwartz. I was accompanied by Second Congressional District Communications Director Neal Patel of Nichols, S.C. Representing over 40 percent of America’s hotels and motels, AAHOA is the voice of owners in the hospitality industry. It is now one of the fastest-growing organizations in the industry, with more than 10,000 members owning more than 20,000 hotels that total $128 billion in property value. AAHOA is dedicated to promoting and protecting the interests of its members by inspiring excellence through programs and initiatives in advocacy, industry leadership, professional development, member benefits, and community involvement. I am proud of AAHOA’s growth and look forward to its continued success in the future creating jobs for the people of America.

PERSONAL EXPLANATION

HON. RICK BERG
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. BERG. Mr. Speaker, due to emergency flooding in my home state of North Dakota, I will be unavoidably detained for the remainder of the week (Beginning at 4 p.m. on Thursday, June 23). I ask that everyone please join me in keeping these residents who are fighting for their homes and their communities in your thoughts and prayers, and to stand with Minot and other communities up and down the Souris River to ensure a strong recovery.

HONORING ROBERT AND ELEANOR HOLMES FOR THEIR OUTSTANDING MINORITIES AND GENEROSITY IN THE ADOPTION AND PARENTING OF THEIR 5 GREAT GRANDSONS

HON. RICHARD L. HANNA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. HANNA. Mr. Speaker, I proudly rise today to recognize Robert and Eleanor Holmes, retired couple in their 70’s who adopted and are raising their five great-grandchildren. On September 15, 2006, a Family Court judge declared the boys’ home life unsuitable, yet despite their retirement, Robert and Eleanor volunteered to nurture and provide for these children. Mr. and Mrs. Holmes provide their great-grandchildren with an environment that includes love, support, direction and discipline. Robert formerly worked as a drug educational counselor for the Ullica and Syracuse school systems. Much of his work involved motivational speeches encouraging students to make safe, healthy choices, establish strong self-esteem and model citizenship values—all of which he has now passed on to his great-grandchildren.

Thanks to Mr. and Mrs. Holmes, these brothers were able to transition together into a safe and happy family environment. It is truly exceptional for the boys to have two positive role models in their lives. Each of the five boys have become excellent students. They participate in athletics and are well-known for being polite and courteous. A true happy family, Robert and Eleanor can be seen cheering for the boys at almost every one of their sport events.

HONORING THE TOWN OF CARMEL, MAINE

HON. MICHAEL H. MICHAUD
OF MAINE
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to honor the Town of Carmel, Maine as it celebrates its 200th Anniversary.

First purchased in 1695 by Martin Kingsley of Hamden, Carmel was later founded by the Rev. Paul Ruggles, his wife Mercy and his brother Abel. The three first settlers named the town for the biblical prophet Elijah’s experience on Mt. Carmel.

Located in the heart of Penobscot County, Carmel grew from 387 people at incorporation in 1811 to nearly 1,400 people by 1870. It is a town steeped in the history of Maine, growing from a small farming village into a mill town renowned for its textiles, boots and shoes.

EXEMPLARY CITIZENS

HON. RICK BERG
OF NORTH DAKOTA

HONORING ROBERT AND ELEANOR HOLMES FOR THEIR OUTSTANDING MINORITIES AND GENEROSITY IN THE ADOPTION AND PARENTING OF THEIR 5 GREAT GRANDSONS

HON. RICHARD L. HANNA
OF NEW YORK

HONORING THE TOWN OF CARMEL, MAINE

HON. MICHAEL H. MICHAUD
OF MAINE

RECOGNIZING COMMANDER ROB WARREN OF THE U.S. COAST GUARD

HON. FRANK A. LOBIONDO
OF NEW JERSEY

CONGRESSIONAL RECORD — Extensions of Remarks
June 23, 2011

Mr. LOBIONDO. Mr. Speaker, I rise today to honor Commander Rob Warren of the U.S. Coast Guard for his exemplary service over the past two years as the Coast Guard’s Liaison to the House of Representatives.

Commander Warren, a 1992 graduate of the Coast Guard Academy, has personified public service throughout his operationally distinguished nineteen year career. Having served on three Coast Guard Cutters, including a tour as the Commanding Officer of TYBEE, Commander Warren arrived here in Washington in the summer of 2009, having just completed a successful assignment as the Chief of Response Operations in Sector San Juan, Puerto Rico. He quickly learned to navigate the rocky shoals of Capitol Hill and has become a trusted voice on all things pertaining to both the Coast Guard and the maritime domain. His passion, candor, and intellect are second to none and earned him a coveted seat at the Army War College’s Senior Service School, where he will spend the next year studying National Security Strategy and the principles of senior command.

I would like to thank him for his service to both the Congress and the nation and wish him and his family fair winds and following seas in their future endeavors.
Carmel’s residents are still tied to their roots; descendents of the early settlers continue to live throughout the town. Today, Carmel continues to push ahead through new challenges. The town boasts nearly 2,800 residents, a far cry from its founding. While the two dozen school houses that were a fixture of the community have been replaced with homes, businesses and the Simpson Memorial Library, Carmel continues to look toward the future with a sense of possibility.

Mr. Speaker, please join me in recognizing the town of Carmel, Maine on its 200th birthday.

RECOGNIZING THE PEOPLE OF HUNGARY

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize the people of Hungary whose longstanding commitment to freedom is a testament to the world that freedom and democracy are attainable goals for all people. As Americans, we celebrate with the people of Hungary a statue of Ronald Reagan to commemorate his centennial birthday. Hungary is one of America’s greatest allies and it warms my heart to know that they rejoice with us in the memory of this hero of freedom.

The U.S.-Hungarian friendship is one of our oldest and most enduring. Throughout this relationship, many Hungarians have also stood for the cause of liberty and are worthy of our recognition here in the House of Representatives.

A Hungarian by the name of Michael Kovats de Fabriczy volunteered his services to Benjamin Franklin, then the American Ambassador in Paris, during the Revolutionary War. This Hungarian patriot, who was essential in creating America’s first cavalry unit, was killed in battle near Charleston, South Carolina. Soon after Fabriczy’s death Americans gained their independence; unfortunately, freedom for Hungary and her people would require a much longer fight.

A bust of Lajos Kossuth, a politician and journalist who fought for freedom in the 1848 Hungarian Revolution, sits in a vestibule just outside of the crypt of this building. Exiled from Hungary, Kossuth came to America and became just the second foreigner to address a joint session of the United States Congress. An inspiring speaker, Kossuth then traveled across the United States to promote the principles of democratic government.

Nearly two hundred years after our own revolution, in 1956, the people of Hungary rose up against communist rule and succeeded in toppling the government before being crushed by Soviet troops. In the face of that defeat, the courageous people of Hungary continued their fight. Victory came in 1989, when Hungary opened its border with the West. Hungary then became the first of the former Soviet bloc countries to transition to a Western-style parliamentary democracy, holding its first free parliamentary elections in 1990.

In the last twenty years Hungarians have embraced their freedom. The country privatized its economy, adopted free-market principles and joined both the International Monetary Fund and the World Bank. In 1999, Hungary acceded to the North Atlantic Treaty Organization and formally became a military ally of the United States. In 2004, Hungary acceded to the European Union and for the first six months of freedom held the rotating presidency of the EU Council.

In the past three decades, the United States, home to more than 1.5 million Hungarian-Americans, offered Hungary assistance and expertise as the country established a constitutional, democratic political system, and a free market economy. The United States Government provided expert and financial assistance for the development of modern western institutions in Hungary, including those responsible for national security, law enforcement, free market-oriented regulations, education, and health care.

With the Iron Curtain lifted, the Support for East European Democracy Act provided more than $136 Million for economic restructuring while the Hungarian-American Enterprise Fund offered loans and assisted companies to expand. Hungary’s economic recovery and growth have allowed Hungary to support freedom around the globe. Hungary played a critical role in implementing the Dayton Peace Accords in the Balkans by allowing its airbase at Tászar to be used by coalition forces transiting the region. This support has continued, in 2008, the Hungarian military took command of a joint battalion in the Balkans that operates in support of NATO missions in the region.

In 2003, Hungary helped the coalition in Iraq by deploying a 300-strong battalion as part of the Multi-National Force, and by allowing the Tászar airbase again to be used in training the Free Iraqi Forces. In Afghanistan, Hungary leads a Provincial Reconstruction Team and has deployed an Operational Mentoring and Liaison Team, which works in partnership with the Ohio National Guard and other United States military personnel. Perhaps most importantly, Hungary’s Pápa Airbase is the home to the C–17 operations of the Multinational Strategic Airlift Consortium which supports the International Security Assistance Force in Afghanistan, as well as various U.S., EU and NATO peacekeeping and humanitarian operations around the world.

The Hungarian people’s longstanding commitment to freedom has allowed Hungary to become a key American ally and an important strategic partner in Europe. Our common commitment to freedom is based on our common belief in the values of democracy, rule of law, diversity, tolerance, and social mobility. I call on all Hungarians and Americans to continue to uphold these values as our countries continue to work closely to advance freedom across the globe.

HONORING REAR ADMIRAL
KENNETH J. BRAITHWAITE, II

HON. PATRICK MEEHAN
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. MEEHAN. Mr. Speaker, on behalf of myself and my colleagues in the Pennsylvania delegation (MRS. SCHWARTZ, MR. KELLY, MR. BRADY, MR. MURPHY, MR. HUSTLER, MR. HOLLIN, MR. MARINO, MR. THOMPSON, MR. PITTS, MR. ALTMIRE, MR. GERLACH, MR. FITZPATRICK, MR. BARLETTA, MR. FATTAH, MR. CRITZ, MR. DOYLE, MR. DENT, MR. PLATTS), I would like the record to show that Rear Admiral Kenneth J. Braithwaite, II responded to our request to honor Rear Admiral Kenneth J. Braithwaite, II.

On June 3, 2011, at the United States Naval Academy, the U.S. Navy celebrated the retirement of a long standing flag officer, Rear Admiral Kenneth J. Braithwaite, II. Rear Admiral Braithwaite served the country for over 25 years. Prior to his retirement, the Naval Vice Chief of Information served as the principal Navy Reserve liaison and advisor to the Chief of Information having responsibility for formulating strategic communications counsel to the leadership of the Department of the Navy. Concurrently, he served as the head of the Navy Reserve (NR) Public Affairs program and as an adjunct advisor to the Commander, Navy Reserve Force.

A 1984 graduate of the United States Naval Academy, Braithwaite was designated a naval aviator in April 1986. His first operational assignment was to Patrol Squadron 17, NAS Barbers Point, Hawaii, flying anti-submarine warfare and mine detection missions tracking adversary submarines throughout the Western Pacific and Indian Ocean regions.

In April 1988, Braithwaite was selected for redesignation as a public affairs officer (PAO) with his initial tour aboard the aircraft carrier USS America (CV–66). He had additional duty as a member of the Joint Task Force (JTF) Commander, Striking Force 6th Fleet. He made both a North Atlantic Treaty Organization (NATO) Force deployment to the North Atlantic operating above the Arctic Circle and a Mediterranean/Indian Ocean cruise where the battle group responded to tensions in the Persian Gulf. In 1990, he was assigned to the staff of the Commander, Naval Base Philadelphia as chief of Public Affairs.

Braithwaite left active duty in 1993 and immediately resumed naval service in the reserve where he served with numerous commands from Boston to Norfolk. Additionally during this time he earned a degree in Government Administration in April 1995 with honors from the University of Pennsylvania.

In October 2001, Braithwaite assumed command of NR Fleet Combat Camera Atlantic at Naval Air Station, Willow Grove, Pa. During this tour the command was tasked with providing support to the Joint Task Force (JTF) Commander, Guantanamo Bay, Cuba. In March 2003 Braithwaite deployed for Operation Iraqi Freedom with a portion of his command in support of naval operations to capture the port of Umm Qasr. Following this tour he served as commanding officer of Navy Office of Information New York 102.

Most recently Braithwaite served as Commander, Joint Public Affairs Support Element-Reserve (JPASE–R) from October of 2004 to October 2007. In this role he commanded a 50-person joint public affairs expeditious unit that was forward deployed to support Joint Commanders during the Iraq conflict. While in command and following the devastating earthquake in Pakistan in 2005, Braithwaite was deployed to Pakistan as part of the NATO led International Safe Zone Operation which worked with the Pakistani government in the relief and recovery efforts of the earthquake aftermath.

Braithwaite’s long and distinguished career has earned him a plethora of awards and citations for his work, including the Legion of Merit, Defense Superior Service Medal, National Defense Service Medal, Army Good Conduct Medal, and the Humanitarian Service Medal, with three bronze oak leaf clusters.

Mr. Speaker, please join me in recognizing Rear Admiral Kenneth J. Braithwaite, II.
leadership’s use of politically motivated selective prosecution to harass high-ranking officials from the previous government. The country’s once-promising democratic future is in jeopardy. While we face many serious challenges in every region of the world today, nonetheless it is imperative that Washington focus attention on what is happening in Ukraine—especially given that country’s vital role in the region.

As a long-time member and current Chairman of the Helsinki Commission, I have followed and spoken out about developments in Ukraine for the better part of the early 1980s, when the rights of the Ukrainian people were completely denied and any brave soul who advocated for freedom was brutally persecuted.

Mr. Speaker, for nearly two decades, independent Ukraine has been moving away from its communist past while establishing itself as an important partner to the United States. Both the executive branch and Congress, on a bipartisan basis, have provided strong political support and concrete assistance for Ukraine’s independence and facilitated Ukraine’s post-Communist transition. In the wake of the 2004 Orange Revolution, Ukraine even became a beacon of hope for other post-Soviet countries, earning the designation of “Free” from Freedom House—the only country among the 12 non-Baltic former Soviet republics to earn such a ranking. And while many of the promises of that revolution have sadly gone unfulfilled, one of its successes had been Ukraine’s rise from “Partly Free” to “Free,” reflecting genuine improvements in human rights and democratic practices.

Under President Viktor Yanukovych, elected in February 2010, this promising legacy may vanish. Today we see backsliding on many fronts, which threatens to return Ukraine to authoritarianism and jeopardizes its independence from Russia. Among the most worrisome of these trends are: consolidation of power in the presidency which has weakened checks and balances; backpedaling with respect to freedom of expression and assembly; various forms of pressure on the media and civil society groups; attempts to curtail academic freedom; and intensifying pressure on the judiciary, which were not seriously addressed by the Orange governments, have only become more pronounced under the current regime.

Moreover, in recent months, we have seen intensified pressure from leaders, even selective prosecutions of high-ranking members of the previous government. The vast majority of observers both within and outside Ukraine see these cases, which have targeted former Prime Minister Yulia Tymoshenko and former Interior Minister Yury Lutsenko, among others, as politically motivated acts of revenge which aim to remove possible contenders from the political scene, especially in the run-up to next year’s parliamentary elections.

Mr. Speaker. The Helsinki Commission has closely monitored these troubling trends as have the U.S., other Western governments, and the European Parliament and Council of Europe. Unfortunately, the Ukrainian authori-
there is growing awareness that such threats are possible anywhere, many schools still have not developed safety protocols that would prepare them to maximize the prospects of preventing such tragedies or to effectively respond to them should they occur despite sound prevention efforts. The recent shooting at Old Dominion University is an unfortunate reminder of the need for this legislation.

Our nation's colleges and universities play a large role in the development of our next generation of leaders and we should assist them in their efforts to keep our campuses and our students safe. The Clery Act already requires schools to have safety plans in order to participate in Title IV deferral student aid programs, however, currently there is no one place for schools to obtain reliable and useful information. It makes little sense to require the thousands of institutions of higher education to individually go through the cost and effort to develop comprehensive plans. Instead, they ought to be able to obtain guidance and assistance, including best practices, from a "one stop shop" like the Center.

The CAMPUS Safety Act will help institutions of higher learning understand how to prevent such tragedies from occurring, and how to respond immediately and effectively in case they do.

I urge my colleagues to cosponsor and support this important legislation to ensure that our institutions of higher education have access to the information necessary to keep their schools safe.

HONORING THEODORE C. MAX, M.D., WITH THE PRESTIGIOUS ROSAMOND CHILDs AWARD FOR COMMUNITY PHILANTHROPY

HON. RICHARD L. HANNA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. HANNA. Mr. Speaker, I proudly rise today to recognize Theodore C. Max, M.D. Theodore C. Max recently received the honor of the prestigious Rosamond Childs Award for Philanthropy, presented by the Community Foundation of Herkimer and Oneida Counties, Inc.

Theodore C. Max has held a strong presence as a leading surgeon in the Utica area for more than 30 years. The author of numerous publications, he has presented at conferences across the country, and has been acknowledged in Who's Who in Medicine and Healthcare, and Who's Who in the World. A University of Rochester graduate and celebrated physician, Theodore C. Max has received numerous awards, both for his professional and personal contributions to our society.

The Rosamond Childs Award for Community Philanthropy is awarded to individuals distinguished for their dedication and selflessness they display for their communities.

Mr. Speaker, I proudly ask you to join me in honoring Theodore C. Max, M.D., for his generosity and commitment to our community and the world.

HONORING SHERIDAN LEE
HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. KILDEE. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to Sheridan Lee of my district who died on June 9, 2011. We have lost a strong and vigorous supporter of human dignity and compassion.

A lifelong resident of Genesee County, Sheridan spent 3 years in the Marine Corps. He returned to Flint and worked in the banking industry for 35 years, retiring from Bank One as Vice President of Commercial Loans. His first hand experience as the owner of the Hale Hat Shop helped him understand the struggles small businesses faced and he was very proud that he was able to help so many businesses in Flint.

For over 45 years, Sheridan was an uncompromising advocate for a better nation. While Sheridan was active in Michigan politics before 1968 his true leadership shined at the 1968 Congressional District Convention when he was elected to the Democratic Coalition he gathered, known as the Kennedy-McCarthey Coalition and elected seven of the seven delegates to the National Democratic Convention, including myself. Sheridan was not satisfied with just saying or singing Kumbaya. He was not content with only sentimentalism. He was a persistent, tireless activist. Sheridan pursued justice relentlessly. On October 14, 1969 Sheridan presided over the largest peace rally ever held in Flint, Michigan to protest the Vietnam War. Over 4000 citizens assembled at Wilson Park to express their anger over our nation's war policy. On that site today stands a statue of Gandhi, a monument to peace.

His political involvement was all encompassing. He was a great strategist and organizer but he contributed his physical labor to whatever was necessary—whether going door to door to assembling and distributing yard signs for the Kildee campaign and other Democrats. He helped drive dignitaries when they visited Flint including Secretary of Education Richard Riley during the 2000 campaign. As the former Treasurer of the Genesee County Democratic Party, Sheridan was recognized by the Michigan Democratic Party this year when they named him the Senior Citizen Volunteer of the Year at the annual Jeff-Jack Dinner. Indeed, his telephone answering message gave no question as to his fervent political affiliation: "Hello. You have reached the Lee residence, the home of good Democrats."

In 2004, Sheridan and his wife, Marylon, formed the Progressive Caucus of the Genesee County Democratic Party. They started the Caucus to focus on educating the public with health care, the economy, and other issues affecting the people of our country. They believe the public was getting a slanted view of issues and they decided to do something to correct it. They held numerous town hall meetings and seminars to give people an opportunity to express their views and hear a variety of opinions.

My wife, Gayle, and I appreciated their moral compass and enjoyed their warm friend-ship. We broke bread together and enjoyed visiting them at their farm home. Family was very important to Sheridan. His son, Lindsey, Lindsey's wife, Beth, and their 3 children Teddy, Marlin and Freya; son, Lynn, his husband, Steve, and their daughter Addison; and daughter, Megan, are all politically active. Sheridan was very proud that he inspired his children to carry on his work in their own communities.

All who have shared Sheridan's friendship are better people because of that. I know that I am a better congressman but more significantly a better human being because of Sheridan Lee and his talented wife, Marylon.

TRIBUTE TO PAUL M. DOWD AND THE NAMING OF THE BASEBALL FIELD AT WAHCONAH PARK IN PITTSFIELD, MASSACHUSETTS IN HIS HONOR

HON. JOHN W. OLVER
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. OLVER. Mr. Speaker, today I rise to pay tribute to Paul M. Dowd for his lifelong service to the City of Pittsfield, Massachusetts, and whose name will hereinafter be associated with the historic baseball field at Wahconah Park in Pittsfield.

Mr. Dowd first came to Pittsfield in 1966 as a pitcher for the Pittsfield Red Sox—having been signed by that organization in 1964—from his home state of Michigan, where he also attended Ferris State College. He has been a full-time resident of Pittsfield for the past 35 years. During that time, he has generously dedicated his time to the community.

Thirty years ago, Mr. Dowd founded the Berkshire County Chapter of the Jimmy Fund and remains active as its president. He was elected to the Pittsfield City Council for six years, served in the United States Marine Reserves, coached Little League baseball, and is a member of the Knights of Columbus, Elks Lodge, and American Legion. Mr. Dowd is well known in the community for his selfless and thoughtful commitment to improving the quality of life for children afflicted with cancer.

In recognition of his magnificent service to the community and its children, the Pittsfield City Council and the Pittsfield Park Commission voted unanimously to name the baseball field at Wahconah Park as the Paul M. Dowd Field. Because of his outstanding commitment to the welfare of Pittsfield's citizenry, Mr. Dowd is most deserving of this high honor.

AMERICA INVENTS ACT

SPEECH OF
HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. MORAN. Madam Chair, I rise today to express my concerns about the Manager's
Amendment to the America Invents Act, H.R. 1249.

Specifically, I am troubled by language in the amendment that would weaken the ability of the U.S. Patent and Trademark Office to retain the fees it collects from inventors for use in improving the patent application process. As noted by the Judiciary Committee, Section 22 of the underlying bill would establish a revolving fund at Treasury to collect all user fees from USPTO and restrict their use to only funding USPTO activities. This section has been necessary because Congress has habitually underfunded the Patent Office, siphoning more than $875 million over the past two decades from fees collected from inventors to fund other discretionary programs.

This fee diversion has severely hampered the ability of USPTO to promptly process patent applications, leading to a current backlog of 1.2 million applications and an average pendency time of 3 years. This is entirely unacceptable and a direct result of our decision not to provide full funding to the USPTO. Delays in processing patent applications drive up the costs and risks for inventors, harm our nation's global competitiveness, and literally stall the creation of jobs.

While I appreciate the efforts of Director Kappos over the past two years to reduce this backlog, USPTO is not fully successful in this goal unless they are provided with the proper resources...resources, remember, they collect from the users of Patent Office services.

That is why I have concerns about a provision in the manager's amendment that would undermine this dedicated funding source, instead leaving USPTO funding up to annual appropriations.

While the amendment creates a specific fund for USPTO fees and contains promises that this funding will be made available only for activities at the patent office, there is no guarantee this pledge will be honored in subsequent Congresses.

I am concerned that this modified language does not give USPTO the predictability in funding and access to fees that are necessary to ensure it best serves the innovation community.

Now, I understand USPTO has reluctantly agreed to support this compromise language, and I therefore plan to support the Manager's Amendment.

But we cannot let jurisdictional concerns here in Congress undermine the efficient functioning of the patent process.

I encourage my colleagues to support the Manager's Amendment as a necessary compromise to move this legislation forward, but I plan to remain vigilant on this matter to ensure the promises made in this Manager's Amendment are kept and that USPTO has ready access to the fees it collects.

SHENANDOAH NATIONAL PARK RESOLUTION

HON. BOB GOODLATTE
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce a resolution celebrating the 75th anniversary of the Shenandoah National Park.

The Shenandoah National Park is the crown jewel of Virginia's natural resources. Through the Shenandoah National Park, I believe that we have preserved a vast, beautiful piece of land for the enjoyment of American families. Additionally, Shenandoah National Park is an exemplary example of the efforts of the United States Government and the Commonwealth of Virginia in preserving our country's natural resources.

Shenandoah National Park has a rich history and showcases the conservation work of the Civilian Conservation Corps (CCC). The park has been committed to adhering to these principles of stewardship and conservation, and thus allowing the CCC to inspire many generations of Americans.

Additionally, Shenandoah National Park is the home of Skyline Drive, one of America's treasured byways. Skyline Drive winds along the crest of the Blue Ridge Mountains for 105 miles in the Shenandoah National Park. The 75 overlooks along the route afford travelers extraordinary vistas of the Shenandoah Valley and the Piedmont region in Virginia. No other road in the northeast provides access to 80,000 acres of wilderness.

What the Park's visitors take away from their visit to Shenandoah National Park and their drive along Skyline Drive is that the hills and valleys are directly connected to the character and aesthetics of the Park and its neighboring towns, cities, and counties. By conserving the Park's natural resources, Shenandoah National Park has a $70 million impact on the counties surrounding the park. The health of the Shenandoah's resources and the health of its neighbors will forever be entwined.

The 75th anniversary of the Shenandoah National Park is an important milestone. For 75 years the Shenandoah National Park has been a treasure for all Americans, but there are many stories waiting to be told. We must all be diligent in making sure that the Park's views and natural areas are around for tomorrow's visitors and for future generations to enjoy. I hope that we can continue to preserve the beauty of the Park, a world of beauty that can renew and bring peace to the spirit.

CONGRATULATIONS TO THE FULSHEAR GIRL SCOUTS

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 23, 2011

Mr. PAUL. Mr. Speaker, on July 2, the Girl Scouts of Fulshear, Texas, in my congressional district, will gather for the Fulshear Freedom Feast, where they will commemorate the upcoming 100th anniversary of the founding of the Girl Scouts of America.

The Girl Scouts of America were established in Savanna on March 16, 1912 in order to provide young woman with an organization that would help them reach their full potential. From the very start, Girls Scouts' programs emphasized community service, personal and spiritual growth, positive values, and thus allowing the legacy of the CCC to inspire many generations of Americans.

The Girls Scouts of America were established in Savanna on March 16, 1912 in order to provide young woman with an organization that would help them reach their full potential. From the very start, Girls Scouts’ programs emphasized community service, personal and spiritual growth, positive values, and thus allowing the legacy of the CCC to inspire many generations of Americans.

The Girls Scouts of America was the first organization to provide young girls with a platform to learn about and explore career opportunities, help their communities, and make friendships that can last a lifetime. Therefore, Mr. Speaker, I encourage all my colleagues to join me in celebrating the Girls Scouts of America's centennial and in sending best wishes to the Fulshear Girl Scouts as they prepare for the Fulshear Freedom Feast.
that addresses the circumstances when two or more persons independently develop identical or similar inventions at approximately the same time. When more than one patent application is filed at the Patent and Trademark Office (PTO) claiming the same invention, the patent is awarded to the applicant who was the first inventor, even though the assignor was not the first person to file a patent application at the PTO.

Section 3 of H.R. 1249 would change this established system for determining which inventor obtains patent protection to a “first inventor to file” system. Under this new “first inventor to file” system, the law would not recognize the patent of an individual who did not file an invention first even if he or she was the first to complete an invention.

Proponents of Section 3 will argue that the United States is the only patent-issuing nation that does not employ a “first inventor to file” system, and that making this change will simplify the process for acquiring patent rights. However, I believe that Section 3 on its face is unconstitutional. Over 200 years of evidence and experience show that who is the true inventor of an invention should not be overturned because the rest of the world does it, or to make it easier for government bureaucrats to resolve patent disputes.

The United States is the greatest Nation on the face of the earth not because we conform our ways to the rest of the world, but instead because we operate in a way that makes the rest of the world want to follow our example. Finally, and most importantly, I believe that awarding a patent to an individual who simply files before the inventor, violates the Framers’ intent laid out in the Intellectual Property Clause. There can be no such thing as a “first inventor to file” since there can only be one inventor. Small inventors—the backbone of the American spirit of innovation—who do not have the funding or the legal staff to race to the PTO to file a patent will without question lose inventions to well-funded and well-staffed corporations.

I also have constitutional concerns with Section 18 of H.R. 1249. Section 18 of the America Invents Act would establish a new Transitional Review proceeding at the Patent and Trademark Office that would only apply to “business method patents” dealing with data processing in the financial services industry. The Transitional Review would be available only to banks sued for patent infringement—even if the patent has already been upheld as valid by the PTO in a reexamination, or upheld by a federal court jury and/or judge in a trial. This new review process would ultimately lead to a delay, via a stay, of court proceedings that would interrupt inventors from capitalizing on their patents.

I have met with and spoken to a number of individuals representing both sides of this issue in order to fully understand the intent of H.R. 1249, as well as both its intended and unintended consequences. I have spoken to Director Kappos of the Patent and Trademark Office, and more importantly, I have spoken with constituents in the 22nd Congressional District of Florida who are inventors that have received patents who would be adversely affected by certain provisions of this bill.

As a 22-year Army combat veteran, and now as a Member of the House of Representatives, I swore an oath to protect and defend the Constitution. Voting in favor of passage of H.R. 1249 I believe goes against this very sacred oath I took, both as a young Second Lieutenant over 25 years ago, and as a Congressman in this body earlier this year.
action: The legislation would allow SAMHSA to conduct research, develop guidelines for effective prevention and treatment programs, and provide assistance for community-based services.

While there may be disagreement over the degree to which gambling should be regulated, we should all be able to support efforts to minimize the negative effects of problem gambling on our constituents. I look forward to working with my colleagues to enact this important legislation.