

RECOGNIZING PRESIDENT CHEN
SHUI-BIAN OF TAIWAN UPON HIS
RECEPTION OF THE INTER-
NATIONAL HUMAN RIGHTS
AWARD

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 2003

Mr. LANTOS. Mr. Speaker, on November 4, 2003 I had the privilege of entering into the RECORD the prepared remarks of President Chen Shui-bian upon his acceptance of the International Human Rights Award on October 31, 2003. It is with great pleasure, Mr. Speaker, that today I am able to enter into the RECORD President Chen's remarks as delivered.

Mr. Speaker, I would also like to take this opportunity to once again commend President Chen for his decades-long struggle for human rights and democracy in Taiwan and congratulate him upon his acceptance of the International Human Rights Award. President Chen is a freedom fighter we can all look up to, and it is with great pleasure that I enter into the CONGRESSIONAL RECORD his remarks, as delivered.

President Horton, Congressman Lantos, Congressman Ackerman, Mr. Rabaut, Mr. Wu, Executive Director Dr. Kantrow, Board Member Dr. Chen, Distinguished Guests, Ladies and Gentlemen: Good evening!

On behalf of the government and people of Taiwan, I would like to pay special tribute to the International League for Human Rights (ILHR). Over the last 62 years since its establishment, the League has worked unrelentingly in carrying out its mission of defending human rights and rights advocates who have risked their lives to promote the ideals of a just and civil society.

The Human Rights Award conferred on me this evening is an honor bestowed upon the 23 million people of Taiwan. It signifies both affirmations and expectations. The award is representative of the international validation that the people of Taiwan have received for decades of effort in pursuit of democracy, freedom and human rights. It is also a reminder that we have assumed by destiny the duty of protecting human rights and of upholding international human rights principles.

The year 2000 marked Taiwan's first peaceful transfer of power and our country's first alternation of political parties, an accomplishment unprecedented in the history of all Chinese societies. In my inaugural speech, I proposed a goal of building our nation on the principles of human rights. We are committed to abide by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Vienna Declaration and Program of Action. We also pledged to bring Taiwan on par with the international human rights system despite our authoritarian past.

Over the past three and a half years, concrete actions have been taken to fulfill our commitments. In step with the institutionalization of human rights protection mechanisms, comprehensive human rights policies and implementation measures have been carefully drafted, as outlined in our Human Rights Policy White Paper, and the Organic Law of the National Human Rights Commission is currently under review in our National Legislature.

My office has established a presidential Human Rights Advisory Committee and the Cabinet has also established an Inter-Min-

isterial Committee. Both have been collaborating with local and international human rights NGOs for the purpose of incorporating the International Bill of Rights into a "Taiwan Bill of Rights." Furthermore, the "National Human Rights Report" will soon be published—another first for Taiwan—and work is in progress for a National Human Rights Memorial Museum responsible for social education and raising public awareness.

My friends, although our journey has not been easy, Taiwan has not stood alone. Support from the international community, particularly the United States, has played a critical role. I will never forget the watershed event—the Kaohsiung Incident—in Taiwan's democratization process. On December 10, 1979, a group of Taiwan citizens defiantly held a rally to commemorate International Human Rights Day. Because such activity was forbidden by the ruling regime of the time, rally leaders were charged with illegal assembly and conspiracy for sedition.

As a defense attorney in the Kaohsiung Incident, I personally witnessed the efforts of ILHR, who sent Professor John Kaplan to Taiwan to observe the trial at the military tribunal. The rest of the international human rights community also rendered assistance—and inspiration—to Taiwan's democratic movement.

My wife and I were both victims of human rights violation. I was sentenced to prison for fighting for freedom of speech. My wife was seriously injured in what is believed to be a politically motivated accident and must spend the rest of her life in a wheelchair. However, like the brave sacrifices made by Taiwan's pioneers of democracy, our suffering only serves to strengthen the determination of the Taiwanese people in their pursuit of political and personal freedoms.

Today, there are no more blacklists, no more political prisoners, no more religious persecution. Citizens in Taiwan now enjoy full civil rights—freedom of speech, freedom of expression, freedom of assembly, freedom of press and other categories of rights. Despite our exclusion from the United Nations, Taiwan has never slowed its pace to push for human rights reform.

At a time when the international community is caught up in debates on "clashes of civilization" with regard to human rights protection, Taiwan's experience is proof that human rights are a universal value and humanity's common asset. All countries and individuals should have access to these universal rights; none should be subjected to a double-standard. As stated in the Universal Declaration of Human Rights, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

I would like to take this opportunity to express appreciation to the government of the United States of America for its efforts to help promote human rights in Taiwan. Section II(C) of the "Taiwan Relations Act", which was passed by the U.S. Congress in 1979, stipulates that "the preservation and enhancement of the human rights of all the people in Taiwan are hereby reaffirmed as objective of the United States." We appreciate, and are always mindful of the concern and support a more established democracy has given to a fledgling one.

Taiwan's achievement in human rights and democracy so far would not have been possible were it not for the generosity of those of the international community who have stood behind us. Likewise, we would not be able to receive the affirmation and commendation of the ILHR and other international human rights organizations.

Of course, a sound and solid institutionalized system is requisite for the effective protection of human rights. Taiwan has now established a fair electoral environment with an increasingly vigorous civil society. However, much remain to be further strengthened in terms of consolidating and deepening our democracy and human rights. Whether we succeed or not would rely on the collective and continuing efforts of the people, particularly on whether we can consolidate our democracy by rectifying the inadequacies in our constitutional framework.

More than two centuries ago, the founding fathers of the United States spurred in Constitutional debate, prompting a great New Yorker, Mr. Alexander Hamilton, to criticize "the insufficiency of the present Confederation to preserve the Union." He argued in "The Federalist Papers" that the Articles of Confederation failed to address issues such as a checks-and-balances system of the government, separation of powers among agencies, fair representation of the States, and safeguarding freedom of the people. He concluded that the very design of the Articles of Confederation was insufficient to meet the needs of the American people.

As a result of extensive discussions and debates by America's founding fathers, the Constitution of the United States of America was created and has been honored to this day. The U.S. Constitution became the pulse of American society, and allowed for amendments, including Bill of Rights, to be incorporated, thereby guaranteeing freedom and laying a strong foundation for sustainable development of the American democracy.

Taiwan now faces a similar "insufficiency" of the constitutional framework. As my country's leader, it is imperative that I shoulder responsibility for Taiwan's national development and set a clear vision for the future. I believe that a sound and sustainable constitutional framework can be created through rational debate and engendered by civic consciousness. This is the rationale upon which I have proposed the concept of "hastening the birth of a new constitution for Taiwan."

The "hastening of a new Taiwan constitution" will determine whether or not our democracy can come into full bloom. This, strengthened and supplemented by the institutions of direct democracy, such as referendums, would be a necessary step in advancing Taiwan's human rights and the deepening of its democracy. One must not be misled by the contention that holding referendums or re-engineering our constitutional framework, bears any relevance to the "Four No's plus one" pledge presented in my inaugural speech. Neither should matters concerning Taiwan's constitutional development be simplistically interpreted as a political debate of "unification versus independence." I stand before you today, appealing to the collective conscience of the world community, asking that the voice of Taiwan be heard, for ours is the voice of democracy and progress. It is my job as President, to safeguard the security, democracy, freedom and human rights of the 23 million people of Taiwan, and, in so doing, build a solid foundation for the sustainable progress of Taiwan's continuing democratization.

The progression of democracy and human rights in Taiwan not only signifies a triumph of our people in the relentless pursuit for freedom, it is also a torch of democracy for all Chinese societies and has become an indispensable asset to the United States as well as the international society. I have great confidence that by advancing our democracy, we shall show where Taiwan stands in terms of values: A veritable part of the world's democratic community.

While furthering human rights in Taiwan, I call for a joint effort among Asian governments and regional NGOs for a regional framework for the advancement of human rights, including a state-sponsored regional charter, a regional commission, and a regional court of human rights. The newly founded Taiwan Foundation for Democracy can serve as one of the channels through which we shall endeavor to make our rightful contributions and share out experience in the protection and promotion of human rights. I want Taiwan to be a positive contributing force in the international human rights movement.

On the Green Island, situated off the south-east coast of Taiwan, there used to be a concentration camp and prison for the confinement and deprivation of countless human rights defenders. On this island, the Taiwanese equivalent to the infamous Robin Island of South Africa, there stands a monument on which names of victims of human rights abuse are inscribed. The epitaph reads: "In those times, how mothers wept through long nights for their imprisoned children."

I have kept that epitaph in my heart, and tonight, I would like to share it with you as a tribute to all who support, advocate, and have stood up in the name of human rights: Let there be no more fear, let there be no more tears. Let the world take Taiwan as an example. She is emerging from her democratic metamorphosis.

While I am standing on this stage, receiving this Human Rights Award and giving this speech, out there is a group of people protesting and shouting. I must tell them clearly: You are in a wrong place and protesting to the wrong person; for you should be happy for me to receive this Award. Human rights are universal. The path towards human rights is the right path and a road of no return. The democratic achievements of Taiwan and the deepening of human rights there can serve as a beacon for others. What you should ask yourselves is: Why can Taiwan do it and we cannot? Along with the 23 million people in Taiwan, I would like to invite the people protesting out there to share my joy and pride in receiving the Human Rights Award. Do believe in democracy, in freedom and in human rights. We will make it.

Thank you.

AMENDMENT TO SUPPORT CURRENT U.S. PATENT AND TRADEMARK OFFICE POLICY AGAINST PATENTING HUMAN ORGANISMS

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 2003

Mr. WELDON of Florida. Mr. Speaker, this summer I introduced an amendment that provides congressional support for the current U.S. Patent and Trademark Office policy against patenting human organisms, including human embryos and fetuses. This amendment was approved by the House of Representatives with bipartisan support on July 22, 2003, as Sec. 801 of the Commerce/Justice/State appropriations bill.

On November 5th of this year, I submitted to the CONGRESSIONAL RECORD an analysis of my amendment that offers a more complete elaboration of what I stated on July 22nd, namely, that this amendment "has no bearing on stem cell research or patenting genes, it only affects patenting human organisms,

human embryos, human fetuses or human beings."

However, some have continued to misrepresent my amendment by claiming it would also prohibit patent claims directed to methods to produce human organisms. Moreover, some incorrectly claim that my amendment would prohibit patents on claims directed to subject matter other than human organisms. This is simply untrue.

What I want to point out is that the U.S. Patent Office has already issued patents on genes, stem cells, animals with human genes, and a host of non-biologic products used by humans, but it has not issued patents on claims directed to human organisms, including human embryos and fetuses. My amendment would not affect the former, but would simply affirm the latter. This position is reaffirmed in the following U.S. Patent Office letter of November 20, 2003.

I submit to the RECORD a letter from James Rogan, Undersecretary and Director of the U.S. Patent office, that supports the enactment of my amendment because it "is fully consistent with our policy."

U.S. PATENT AND TRADEMARK OFFICE,
November 20, 2003.

Hon. TED STEVENS,
Chairman, Committee 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 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 unequivocal 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. 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 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). 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 organisms, including human embryos. He further indicated that the amendment has "exactly the same scope as the current USPTO policy," which assures that any claim that can be broadly construed as a human being, including a human embryo or fetus, is not patentable subject matter. Therefore, our under-

standing of the plain language of the Weldon Amendment is fully consistent with the detailed statements that the author of the amendment, Representative Weldon, has made in the Congressional Record regarding the meaning and intent of his amendment.

Given that the scope of Representative Weldon's amendment does 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.

THE STUDENT AID STREAMLINED DISCLOSURE ACT OF 2003

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 2003

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I am introducing the Student Aid Streamlined Disclosure Act, to enhance the privacy of individuals who apply for a federal student loan or Pell Grant and to ensure the integrity of student aid programs administered by the Secretary of Education.

This year, the Department of Education anticipates that more than 13 million people will apply for federal student aid. In order to verify income information, approximately 4 million of these applicants will be selected and required to hand over detailed tax information to school administrators with few controls in place to guard against redisclosure or misuse of this highly personal information. In addition, nearly 100,000 people will be required to waive their right to taxpayer privacy as a condition of applying for an income-contingent student loan.

The current process used by the Department of Education to verify the income information supplied by students is not only unnecessarily invasive of student privacy, but it also is ineffective. Numerous studies by the Department of Education and the Education Inspector General have concluded that income information supplied by students does not match information on file with the Internal Revenue Service. In fact, a recent study of applications filed during fiscal years 2001 and 2002 found that the Department of Education had paid \$602 million in Pell Grants to individuals who were either ineligible or eligible for smaller awards.

The General Accounting Office has confirmed that this substantial misallocation of resources could be corrected if Congress would redesign the law that governs sharing of information between the Department of Education and the Internal Revenue Service. I am pleased to say that the bill I am introducing today would accomplish that task in a way that enhances taxpayer privacy.

This legislation would provide for income verification for every student loan application, but it would require disclosure of information on file with the IRS only in cases where there is a discrepancy that is large enough to impact the student grant or loan. Sensitive tax information from the IRS could not be disclosed directly to schools or contractors, but could only be disclosed to Department of Education officials or to the taxpayer who filed the return.

This tax legislation is a priority of the Bush Administration and the Education and Workforce Committee has endorsed data sharing