

## OPPOSITION TO GENE PATENTING

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 22, 2011*

Ms. SLAUGHTER. Mr. Speaker, I rise today in opposition to gene patenting. The sequencing of the human genome was the most momentous medical achievement in this century, with unparalleled implications for patients and our economy. And we cannot squander that success by patenting genes.

The Human Genome Project has helped our economy to grow by \$796 billion. Today, 310,000 American jobs are linked to the sequencing of the Human Genome. Furthermore, personalized medicine has transformed the way doctors care for patients. According to the American Medical Association, more than 1,200 genetic tests can be used today to help diagnose and treat over 1,000 different diseases. Personalized medicine helps to provide safer, more cost-effective medicine.

Yet, to fully realize the potential of personalized medicine, we must ensure that our laws and policies keep pace with our science. Today as we consider the patent bill, I would like to clarify the intersection between genes and patents.

Many of us carry within us genes that predispose us to illnesses or influence the effectiveness of medications. These genes are natural products—not inventions. And as natural products, they should not be patented. It's this simple: just as a kidney cannot be patented, genetic sequences should not be patented.

Unfortunately, 20 percent of our genes have already been claimed as intellectual property. For several decades, the U.S. government issued patents on genes. Thankfully the Department of Justice recognized this clear overreach on the part of the United States Patent and Trademark Office—and moved to correct this mistake.

On October 29, 2010, the United States Department of Justice filed an amicus brief in which they explained: "the unique chain of chemical base pairs that induces a human cell to express a BRCA protein is not a 'human-made invention.' Nor is the fact that particular natural mutations in that unique chain increase a woman's chance of contracting breast or ovarian cancer. Indeed, the relationship between a naturally occurring nucleotide sequence and the molecule it expresses in a human cell—that is, the relationship between genotype and phenotype—is simply a law of nature. The chemical structure of native human genes is a product of nature, and it is no less a product of nature when that structure is 'isolated' from its natural environment than are cotton fibers that have been separated from cotton seeds or coal that has been extracted from the earth."

The United States Department of Justice has come to the inevitable conclusion that genes are natural products, and not fit for patenting. And last year, a federal court in New York came to the same conclusion.

Not only is the issuance of patents on genes wrong, contrary to common sense, and in violation of Congressional intent, but it also damages human health. Gene patents have cut off access to important tests. For example, the company that owns sole rights to the BRCA1 and BRCA2 sequences—which deter-

mines hereditary risk factors around breast and ovarian cancer—charges between \$3,000 and \$4,000 for a single test. Other laboratories have offered to perform the test for several hundred dollars, but are not able to do so because of the patent on those particular genetic sequences. And the information provided by this test is critical for medical decision-making: Up to 85 percent of those individuals who possess these genetic sequences will be diagnosed with breast cancer at some point in their life. By granting a monopoly, we risk placing these genetic tests out of reach for patients.

Furthermore, gene patents stop innovation in their tracks. They prevent anyone outside of the patent holder from studying the gene sequence under patent. As Dr. Stieglitz of Columbia, a Nobel Prize winning economist, wrote, "Our genetic makeup is far too complicated for a single entity to hold the keys to any given gene and to be able to choose when, if ever, to share." We threaten scientific advancement, if we do not allow scientists to untangle the manifold implications of specific gene sequences. We can not reap the full benefits of personalized medicine if researchers must go to hundreds of different patent holders to analyze one patient's genome.

The battle to keep policy and science marching hand in hand has been a long one, and I worked for dozens of years to ensure that the nation's laws support genetics policy.

In 1995, I introduced legislation, entitled the Genetic Information Nondiscrimination Act (GINA), in order to prevent genetic discrimination. For personalized medicine to flourish, patients needed to be able to get genetic tests without the fear that it would endanger their employment or their health insurance. Thirteen years after I first introduced GINA, it was passed into law. GINA is one of the nation's great civil rights laws, which has helped open the door to personalized medicine.

By passing GINA in 2008, the U.S. Congress showed itself to be at the forefront of genetics policy. I expect no less of our government when it comes to gene patenting. Today, the Patent Office has the opportunity to institute evidence-based policy and end the patenting of genes, and it must do so.

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012**

SPEECH OF

**HON. NIKI TSONGAS**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 14, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes:

Ms. TSONGAS. Madam Chair, I missed votes on the day of June 16, 2011, because I traveled back to my district to attend the funeral service for a Marine killed in combat, Corporal William Witowicz. Had I been

present, I would have voted for amendments to the FY 2012 Agriculture, Rural Development, and Food and Drug Administration Appropriations Act that encourage local and regional food systems and fund programs that support the work of minority and socially disadvantaged farmers. I also would have supported amendments that protect taxpayer funds by implementing modest restrictions on excessive farm subsidy payments.

I would have voted against amendments that seek to delay the Commodity Futures Trading Commission's efforts to enforce commonsense rules on risky derivative swaps and other financial transactions, prevent the Department of Agriculture from implementing their climate change adaption policy, or propose deeper cuts to the FDA that would hinder the agency's ability to protect our nation's food supply from food-borne illnesses.

Finally, I would have opposed passage of the overall FY 2012 Agriculture, Rural Development, and Food and Drug Administration Appropriations Act because of the bill's drastic and indefensible cuts to the Women, Infants, and Children, WIC, program, which provides vital aid for our nation's most vulnerable pregnant women, infants and children. In the last year, WIC provided nutritious food, counseling on healthy eating, and health care referrals to thousands of women and children in my state. Additionally, the underlying bill undermines commonsense financial rules, choosing to protect Wall Street speculators that are driving up gas prices over the American taxpayer. Likewise, I cannot support the deep cuts in FDA funding included in the bill that will severely undermine food safety efforts and increase the risk of food-borne illnesses.

**RECOGNIZING PRINCIPAL RICHARD JONES' DECADES OF SERVICE TO OUR COMMUNITY AS A LEADER IN EDUCATION**

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 22, 2011*

Mr. PETERS. Mr. Speaker I rise today to recognize Mr. Richard Jones, the distinguished principal of North Farmington High School, on the occasion of his retirement after nearly 25 years of service to the families and students of Farmington Hills, Michigan through his work as an educator, administrator and community leader.

Mr. Richard Jones started his career in education nearly four decades ago and has been part of the Farmington Hills school district family for the last quarter of a century. He thrived as an English teacher and also a football and tennis coach, creating a comfortable learning environment where students were able to succeed and flourish. After many years in the classroom and on the field, he was made principal of the high school in 1998.

As principal, Mr. Jones treated every student, parent and teacher with dignity and respect. He is someone the students trusted and the teachers looked to for advice. His main goal was always to have a school unified by a message of tolerance and acceptance. During his time as principal he implemented many innovative school-wide programs on issues

ranging from civil rights to energy conservation. One of his hallmark initiatives was to build a student body that turned "awareness into activism." In 2009, he dedicated the school-year to learning about genocide, which enabled powerful levels of student activism to aid the cause in Darfur. Teaming up with Danbury High School in Connecticut, the student body was able to raise \$100,000 to help build schools in Sudan.

I was proud to welcome Principal Jones to Washington when he was formally recognized as Michigan's Principal of the Year in 2009, an award that was well deserved for an educator that has poured so much of his time, energy and heart into his students, teachers and the community as a whole. Principal Jones' dedication to the school has earned him numerous other awards for his diligence and interactive teaching methods. He has also earned teacher of the year honors four times, the "Great Seal of Michigan" award and the Chair Award from the Farmington Multicultural Multiracial Council. He has been recognized countless times for his unwavering focus on the education and moral growth of his students. In 2009, Principal Jones was also presented with the "Anne Frank Outstanding Educator Award," for his initiatives to educate his students on standing up for what is right.

Mr. Speaker, as a parent of public school students, I am proud to know such an outstanding and dedicated educator and it is my privilege to honor his work to improve the quality of education in Michigan. I know that I stand with many in saying Rick is a great leader, teacher and friend. I ask my colleagues to join me today as I honor Mr. Richard Jones for his lifetime commitment to educating and nurturing the development of thousands of students, on the occasion of his retirement from North Farmington High School.

CONGRATULATING CHRISTIAN  
SVETICS FOR OBTAINING THE  
RANK OF EAGLE SCOUT

**HON. SANDY ADAMS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 22, 2011*

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Christian Svetics for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Christian has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

**REAL MEN COOK**

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 22, 2011*

Mr. DAVIS of Illinois. Mr. Speaker, Sunday, Father's Day, June 19, 2011, Real Men Cook was once again presented by the nonprofit,

Real Men Charities, Inc. for the 22nd consecutive year. Real Men Cook is the largest national service day event on Father's Day in the United States, demonstrating that real men are nurturing: providing sustenance, care, love, and work to build healthy families and communities.

It all began when Kofi Moyo and Yvette Moyo were joined by 10 women and 100 men in 1989 to create a commonsense way to increase male involvement, and to celebrate and demonstrate the rewards of family and community service.

Real Men Cook family celebrations are the nation's longest-running urban Father's Day family event, featuring male volunteers from neighborhoods in Atlanta, Chicago, Dallas, Houston, Los Angeles, Memphis, New Orleans, New York, Philadelphia, and Washington, DC, raising funds, and devoting time and resources to cook and serve samples of their favorite dishes to help nonprofit organizations.

Real Men Cook has transformed Father's Day globally into an exciting and highly anticipated day, growing the tradition of individual and group service and family celebrations around food. Real Men Cook turns the spotlight on the bonus fathers and father-figures who step in when biological fathers are not involved in the lives of children, and encourages the celebration of those men.

Real Men Cook generates national media attention each Father's Day, recognizing fathers and father-figures beyond grandfathers and uncles to coaches, ministers, teachers, neighbors and any man who has donated time and talent to help children and Real Men Cook events have been responsible for raising more than \$1 million for the Boys & Girls Clubs, Community Mental Health Council, the South Side YMCA, foundations, museums and family service organizations. In addition, Real Men Cook, through Real Men Charities, presents a Health & Wellness Pavilion in several cities on Father's Day, providing free health screenings, nutritional education, and fresh fruits and vegetables.

This year, Real Men Cook is co-sponsored by Verizon, K&G Fashion Superstore, Illinois Lottery, Moo & Oink, Provident Hospital of Cook County, the Urban Health Initiative of the University of Chicago Medical Centers, Blue Cross/Blue Shield of Illinois, and the Illinois Department of Children and Family Services.

I take special pride and satisfaction from my own longtime participation in Real Men Cook and I would encourage all Americans to follow this family tradition of volunteerism, family and community contribution on this Father's Day and Father's Days to come.

**EQUAL RIGHTS AMENDMENT**

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 22, 2011*

Mrs. MALONEY. Mr. Speaker, nearly 40 years have passed since the Congress passed the Equal Rights Amendment (also known as the Women's Equality Amendment). This historic Constitutional Amendment was intended to ensure equality for women and men in all areas of society.

The 27th amendment to the Constitution, which concerns Congressional pay raises, was

accepted after a 203 year ratification period. When Congress passed the ERA in 1972, it provided that the measure had to be ratified by the necessary number of states (38) within 7 years. This was later extended to the still tight deadline of 10 years, but unfortunately the ERA was just three states shy of full ratification when the deadline passed in 1982. We believe Congress should give the states another chance.

In the past several decades, women have made extraordinary strides toward achieving equality—but this progress is not irreversible. Without the ERA, women have often been denied the ability to seek justice when they have experienced discrimination. The Supreme Court decision in the Virginia Military Institute case (Virginia v. United States) helped clarify that gender "classifications may not be used . . . to create or perpetuate the legal, social, and economic inferiority of women." However, laws can still perpetuate gender classifications that keep women from achieving their full potential. Passage of the ERA is the Constitutional affirmation of the Supreme Court decision.

Our democracy rests on the principle of "liberty and justice for all." We need the ERA to ensure that this concept applies equal to women. I am pleased to introduce this bill with 158 bipartisan original cosponsors and urge my colleagues to support it.

**REMEMBERING LEROY NESBIT, JR.**

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 22, 2011*

Mr. KILDEE. Mr. Speaker, it is with great sadness that I rise today to pay tribute to a dear friend, Leroy Nesbit, Jr. Leroy passed away on Monday, June 20th.

When I was a teacher at Flint Central High School, Leroy was a student there. My wife, Gayle, had Leroy as a student in her French class. Even in those early days, we could see his potential for leadership and vision, and Leroy lived up to his full potential. He went on to earn his Associates Degree in Business from Baker Business University, a Bachelor of Science Degree in Business Administration from Ferris State College, and a Masters Degree in Administration from Central Michigan University. He started working for AC Spark Plug as an auditor and worked his way up to a position on General Motors Government Relations Staff.

As an active volunteer in the credit union movement, Leroy served on the Dort Federal Credit Union Board of Directors since 1975. He held several leadership positions at Dort Federal Credit Union and he was active with credit unions on a national level. He served as the National President of the Council of GM Credit Unions, Chief Coordinator of the Combined Council of Automotive Credit Unions, he was active with the Michigan Credit Union League and the African-American Credit Union Coalition.

Leroy served as Chairman of the Flint Area Convention and Visitors Bureau, past Polemarch of Kappa Alpha Psi Fraternity, Chairman of the Northern Province Senior Kappa Affairs Committee and Northern Province Achievement Committee. He was a member of the Michigan Travel Commission, a