

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 report language in the manager’s statement on section 634. The statement reads: “The conferees have included a provision prohibiting funds to process patents of human organisms. The conferees concur with the intent of this provision as expressed in the colloquy between the provision’s sponsor 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.”

The manager’s statement refers to my discussion with Chairman DAVID OBEY, when I explained that the amendment “only affects patenting human organisms, human embryos, human fetuses or human beings.” In response to Chairman OBEY’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 by 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.

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), they are not themselves human organisms. This was considered the “key question” by Senator HARKIN at a December 2, 1998 hearing before the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education regarding embryonic stem cell research. Dr. Harold Varmus, then director of the NIH testified “that pluripotent stem cells are not organisms and are not embryos. . . .” Senator HARKIN noted: “I asked all of the scientists who were here before the question of whether or not these stem cells are organisms. And I believe the record will show they all said no, it is not an organism.” Dr. Thomas Okarma of the Geron Corporation stated: “My view is that these cells are clearly not organisms . . . in fact as we have said, are not the cellular equivalent of an embryo.” Dr. Arthur Caplan agreed with this distinction, saying that a stem cell is “absolutely not an organism.” There was a unanimous consensus on this point at the 1998 hearing, among witnesses who disagreed on many other moral and policy issues related to stem cell research.

The term “human organism” includes an organism of the human species that incorporates one or more genes taken from a nonhuman organism. It includes a human-animal hybrid organism (such as a human-animal hybrid organism formed by fertilizing a nonhuman egg with human sperm or a human egg with non-human sperm, or

by combining a comparable number of cells taken respectively from human and non-human embryos). However, it does not include a non-human organism incorporating one or more genes taken from a human organism (such as a transgenic plant or animal). In this respect, as well, my amendment simply provides congressional support for the Patent Office’s current policy and practice.

This amendment should not be construed to affect claims directed to or encompassing subject matter other than human organisms, including but not limited to claims directed to or encompassing the following: cells, tissues, organs, or other bodily components that are not themselves human organisms (including, but not limited to, stem cells, stem cell lines, genes, and living or synthetic organs); hormones, proteins or other substances produced by human organisms; methods for creating, modifying, or treating human organisms, including but not limited to methods for creating human embryos through in vitro fertilization, somatic cell nuclear transfer, or parthenogenesis; drugs or devices (including prosthetic devices) which may be used in or on human organisms.

Jamed Rogan, undersecretary of the U.S. Patent and Trademark Office, has stated in a November 20, 2003, letter to Senate appropriators: “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 . . . 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).” Undersecretary Rogan concludes: “Given that the scope of Representative WELDON’s amendment . . . is full consistent with our policy, we support its enactment.”

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 not to change the Patent Office’s current policy and practice, but precisely to uphold it against any threat of legal challenge. A previous Patent Office policy against patenting living organisms in general was invalidated by the U.S. Supreme Court in 1980, on the grounds that the policy has no explicit support from Congress. In an age when the irresponsible use of biotechnology threatens to make humans themselves into items of property, of manufacture and commerce, Congress cannot let this happen again in the case of human organisms.

I urge my colleagues to support this Omnibus in defense of this important provision against human patenting.

HONORING COLONEL VINCENT QUARLES ON HIS COMMAND OF THE CHICAGO DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. VISCLOSKEY. Mr. Speaker, it is with the deepest admiration that I take this opportunity to honor Colonel Vincent Quarles. Colonel Quarles has spent the last three years as the District Commander for the United States Army Corps of Engineers, Chicago District. At this post, Colonel Quarles has undertaken immense responsibility, overseeing water resources development in the Chicago metropolitan area, an area of about 5,000 square miles with a population nearing 8 million. Since his arrival at the Chicago District on July 1, 2008, Colonel Quarles has served all who live in his District of responsibility with unwavering devotion. He has deeply touched many lives and is deserving of our sincerest gratitude. On behalf of both myself and my constituents, I take this opportunity to thank Colonel Quarles who will be relinquishing his command to Colonel Fred Drummond on June 30, 2011, at the Harold Washington Library Center in Chicago, Illinois.

Colonel Vincent Quarles began his impressive military career as a Cannon Fire Direction Specialist, Charlie Battery, 113th Field Artillery Battalion. Upon graduating from college, Colonel Quarles was granted a federal commission in the Corps of Engineers and entered active service in 1987. He was assigned to 8th Engineer Battalion, 1st Cavalry Division, Fort Hood, Texas, where he served as a Sapper Platoon Leader, an Assault and Obstacle Platoon Leader, and a Company Executive Officer. From this post, Colonel Quarles deployed to Operation Desert Shield and Operation Desert Storm as the Battalion Maintenance Officer. In 2000, Colonel Quarles reported to Engineer Brigade, 3rd Infantry Division, Fort Stewart, Georgia. From there, he deployed to Bosnia Herzegovina as the Brigade Operations Officer in support of stabilization operations. Upon his return from Bosnia in 2001, Colonel Quarles was reassigned as Executive Officer, 10th Engineer Battalion until 2002. Colonel Quarles deployed to Iraq in support of Operation Iraqi Freedom in 2003. While overseas, his battalion managed more than 300 construction contracts at a cost exceeding \$326 million as well as emplacing and maintaining the brigade’s communication network, operating the brigade’s internment facility, and providing brigade organic military intelligence capabilities. Post battalion command, Colonel Quarles served as the Mobility Team Chief, Dominant Maneuver Division of Force Development, Army G-8 from 2006–2008.

Colonel Quarles’ educational background is very impressive in its own right. As a member of the United States Army, Colonel Quarles completed both the United States Army Engineer Basic and Advanced Courses. From 1997–1999, Colonel Quarles taught Civil and Mechanical Engineering at the United States Military Academy where he also acted as the Department’s Executive Officer. Next, he went on to graduate from the Command and General Staff College in 2000. His civilian educational accomplishments are noteworthy as

well. He earned both an undergraduate degree from Norfolk State University and a Master's Degree in Mechanical Engineering from North Carolina State University.

Colonel Quarles' outstanding military career is exceeded only by his devotion to his amazing family. It has been a pleasure to become acquainted with the Quarles family. I would also like to congratulate Colonel Quarles and his wonderful wife, Auratha, on their upcoming 25th wedding anniversary on July 5, 2011. They have two beloved children, Vincent and Alisha, who I also have the pleasure of knowing.

Mr. Speaker, from a very young age, Colonel Quarles has selflessly served his country and his fellow Americans. Thus far, his life has truly been a model of self-sacrifice and dedication to others. Since joining the Army Corps of Engineers Chicago District, Colonel Quarles has overseen numerous projects aimed at improving the quality of life for all those he serves. He has had an especially profound impact in Indiana's First Congressional District. Colonel Quarles has exhibited utmost concern for its residents and deserves our sincerest gratitude. I respectfully ask that you and my other distinguished colleagues join me in honoring Colonel Vincent Quarles for his outstanding contributions and constant dedication to Indiana's First Congressional District.

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 early 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.

Introduced in the Senate by my colleague on the Joint Economic Committee, Sen. CASEY of Pennsylvania, I am happy to be introducing this House companion bill.

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. SAM 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:

THIRD CONGRESSIONAL DISTRICT SERVICE  
ACADEMY BOUND STUDENTS CLASS OF 2015  
UNITED STATES MILITARY ACADEMY

1. Brianna Burnstad—Plano, Texas—Plano Senior High School
2. Kevin Carringer—Plano, Texas—Plano West Senior High School
3. SPC David Crossley—Plano, Texas—Plano Senior High School \*Prior 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 \*Prior 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
2. Amber Lowman—McKinney, Texas—McKinney 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 Dridge—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. Kioumars Rezaie—Plano, Texas—Plano West Senior High School
3. Amanda Rigsby—Plano, Texas—Plano East Senior High School
4. Connor Willcox—McKinney, Texas—McKinney Boyd 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 Fugate, 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 H.R. 1657, Rollcall Vote No. 332, had I been present I would have voted "yes."

On Ordering the Previous Question, Rollcall Vote No. 333, had I been present I would have voted "yes."

On Agreeing to the Resolution H. Res. 269, Rollcall Vote No. 334, had I been present I would have voted "yes."

On Motion that the Committee Rise for H.R. 1216, Rollcall Vote No. 335, had I been present I would have voted "no."

On the amendment 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 the amendment of Mr. CARDOZA of California, Amendment No. 9 to H.R. 1216, Rollcall Vote No. 337, had I been present I would have voted "no."

On the amendment of Ms. FOXX of North Carolina, Amendment No. 7 to H.R. 1216, Rollcall Vote No. 338, had I been present I would have voted "yes."

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

On Passage of H.R. 1216, to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization 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