

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."

Secretary Rogan concluded: "The USPTO's policy of rejecting patent application claims that encompass human life-forms, 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."

The Weldon Amendment does not prevent patents on human cells, genes, or other tissues obtained from human embryos or human bodies.

Rep. Dave Weldon submitted a statement to the Congressional Record on December 8, 2003 clarifying that the Weldon Amendment would not prevent patents for non-human organisms even with some human genes. Nor would it affect patents for human cells, tissues or body parts, or for methods of creating human embryos.

Rep. Weldon stated: "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."

The Weldon amendment does not ban human stem cell patents, including patents on human embryonic stem cells. "Stem cells" are not "organisms."

On December 2, 1998, several scientists supportive of federal funding of human embryonic stem cell research testified before the Senate Subcommittee on Labor, Health and Human Services, and Education Committee on Appropriations that "stem cells" are not "human organisms." When asked, Dr. James Thomson who first obtained human embryonic stem cells, and has patents on those stem cell lines, responded: "They are not organisms and they are not embryos."

Despite claims in 2003 that the Weldon amendment in 2003 would ban stem cell patents, the USPTO has maintained several embryonic stem cell patents issued previously. The USPTO has also issued several new patents on human embryonic stem cells since 2003, and has issued roughly 300 new patents on pluripotent stout cells. The Weldon amendment only affects patents on human organisms. (Note, the EU recently reaffirmed its rejection of patents on embryonic stem cells, yet, the Weldon amendment does not follow suit).

HISTORY AND BACKGROUND

Longstanding United States Patent and Trademark Office (USPTO) policy states that human beings at any stage of development are not patentable subject matter under 35 U.S.C. Section 101. In 1980, the U.S.

Supreme Court in *Diamond v Chakrabarty* expanded the scope of patentable subject matter claiming Congress intended statutory subject matter to "include anything under the sun that is made by man." The USPTO eventually issued patents directed to non-human organisms, including animals. However, the USPTO rejected patents on humans (see below).

However, 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: "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 provisions 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." (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 documents.

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 within its scope a human being will not be considered patentable subject matter under 35 U.S.C. 101." Furthermore, it "suggests" that that any claim directed to "a non-plant multicellular 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 in response to news about a patent application directed to a human/non-human chimera. USPTO claimed that patents "inventions directed to human/non-human chimera could, under certain circumstances, not be patentable because, among other things, they would fail to meet the public policy and morality 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 now 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 non-statutory subject matter."

HONORING C. FREDERICK
ROBINSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KILDEE. Mr. Speaker, it is with a profound sadness that I rise today to pay tribute to a dear friend, Attorney C. Frederick Robinson, who passed away on Saturday, June 18th in Flint Michigan.

C. Frederick Robinson moved to Flint after receiving his Doctorate of Jurisprudence from Howard University in 1956. He was admitted to the State Bar of Michigan and established his practice in an office at the corner of Saginaw and Baker Streets. He practiced law in the City of Flint continuously since that time. From the beginning of his career, C. Frederick was an outstanding advocate for justice. He was a passionate fighter for the poor, disenfranchised and minority communities and I have been his friend for over 50 years.

As a leader in the civil rights movement, C. Frederick's list of landmark cases is extensive. He initiated the complaint that ended the Flint Board of Education practice of separate screening committees for black and white teachers. He initiated the lawsuit that ended the Flint Memorial Park Cemetery practice of not allowing blacks to be buried at the cemetery. He participated in the lawsuit that declared the local loitering ordinance unconstitutional. He led the effort to have the first black to be elected to the Flint Board of Education and the fight to have the first black female elected to the same body. He was instrumental in the election of the first black Secretary of State in Michigan. He participated in the lawsuit to allow the NAACP to erect a platform at Flint City Hall to hold a rally. He also represented Clifford Scott in a lawsuit to enact Affirmative Action in the construction business.

In 1968 C. Frederick Robinson helped shape civil rights history in the United States. He and his partner, A. Glen Epps, wrote Flint's open housing ordinance. I remember numerous open housing strategy sessions at C. Frederick's office, the 50 Grand Club, the Vets Club, and the Golden Leaf. I also recall the picket lines which brought Governor George Romney to Flint for a unity rally that drew thousands. The ordinance was placed on the ballot and C. Frederick was determined it would pass. C. Frederick was tireless in his efforts to galvanize the community when working on the fair housing referendum. When the vote was taken on February 20, 1968, Flint became the first city in the nation to pass by popular vote an open housing referendum. C. Frederick said years later about the vote, "We resolved to change the community, we narrowly won." He was a seeker of justice and a natural leader who was assertive when pushing for what he believed in.

For his lifetime of service, C. Frederick was inducted into the National Bar Association Hall of Fame. Other organizations that have honored him include the Mallory, Van Dyne and Scott Bar Association, the Genesee Bar Association, and the NAACP. He has served as an Executive Board Member of the NAACP, President of the Community Civil League, was a founder and President of the Urban Coalition of Flint. He was a member of Christ Fellowship Baptist Church, a life member of the Flint

NAACP, and a member of the Trade Leader Membership Council. Deeply committed to education, he prepared his three daughters, Dr. Debra Robinson, Attorney Rachel Robinson, and Yvette Robinson, a Social Worker, to work hard and achieve their dreams.

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 rollcall 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. JOE 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 a popular career 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 Alkesh Patel, Treasurer Mukesh (Mike) Patel, Secretary Pratik (Prat) Patel, Executive Chandrakant (C.K.) Patel, and President Fred Schwartz. I was accompanied by Second Congressional District Communications Director Neal Patel of Nichols, S.C. Rep-

resenting 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 KINDNESS 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 Utica and Syracuse schools 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 sporting events.

Exemplary citizens such as Robert and Eleanor Holmes should be appreciated and acknowledged by our society. It is fitting that the Family Nurturing Center of CNY, Inc. has selected the Holmes as its Family of the Year. There is no greater gift than that of a stable and safe home, which is the gateway to a bright future. Robert and Eleanor Holmes are ideal Americans whose story should be celebrated. Mr. Speaker, I proudly ask you to join me in honoring Robert and Eleanor Holmes for their exceptional generosity and kindness.

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

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, 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.

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 Kinsley 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.