

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