EXTENSIONS OF REMARKS

JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity:

Mr. FARR. Madam Chair, I rise in strong opposition to H.R. 2021, the Jobs and Energy Permitting Act. Since the beginning of the 112th Congress, my Republican colleagues have been relentless in their attempts to weaken offshore drilling regulations and to preserve wasteful and unnecessary subsidies to the most profitable oil corporations in the world. While Americans are facing serious pain at the pump, in the first quarter of 2011, the five biggest oil companies have made a total combined profit of $35 billion. Yet, as these companies break record profits, the Republican leadership insists that we continue to hand these companies billions of taxpayer dollars in subsidies.

H.R. 2021 is just another blatant attack on human health and the environment in an attempt to shield outrageous Big Oil profits. This bill seeks to evade Clean Air Act standards intended to protect our air and health by allowing the oil companies to pollute as much as they want from their offshore operations. Secondly, this anti-environment piece of legislation would block the right of California and other states to enforce more rigorous emissions standards on vessels servicing an offshore operation. It seems ironic that my colleagues who are arguing against big government now want to take away states' rights to protect their residents from dirty local air.

I strongly support the need to reduce America's dependence on foreign oil. However, H.R. 2021 is not the answer. I am extremely disappointed that my Republican colleagues continue to dismiss renewable sources of energy as part of the solution. The renewable energy sector has the potential to support hundred of thousands of jobs while reducing greenhouse gas emissions. The number of jobs in the solar industry, for example, doubled from 2009 to 2010. However, in the Fiscal Year 2012 Energy and Water Subcommittee Appropriations bill, Republicans have proposed draconian cuts to programs that focus on energy efficiency research and renewable sources of energy such as solar and wind. The proposed cut of $1.895 billion to the Department of Energy's Energy Efficiency and Renewable Energy program is simply unacceptable. These cuts to alternative energy programs and the numerous pro-Big Oil bills, such as H.R. 2021, that have been introduced in the 112th Congress indicate that the Republicans do not support a comprehensive solution to rising gas prices, ending America's foreign dependence on oil, and creating jobs.

My fellow Democrats attempted to improve H.R. 2021 by offering ten different amendments, but the Republicans rejected each and every one, including an amendment that would maintain California's ability to set its own emissions standards. Unfortunately this Republican desired top-down approach will degrade air quality along the coast of California, causing health costs to soar with increasing incidence of respiratory illnesses.

Madam Chair, the quality of the air we breathe and the health of my constituents is of utmost importance. For this reason, I do not support this legislation, and I voted "no" on H.R. 2021.

RECOGNITION OF THE 250TH ANNIVERSARY OF THE TOWN OF SHUTESBURY, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. OLVER. Mr. Speaker, on June 30, 1761, the incorporation of the town of Shutesbury, Massachusetts, was approved by the colonial Governor of the Commonwealth of Massachusetts, Sir Francis Bernard. Named for former colonial Governor Samuel Shute, the town is an exemplification of the natural beauty of Massachusetts' rolling hills. After 250 years, Shutesbury remains a town largely untouched by the imperfections of modernity.

The town traces its history to 1735, when an east-west inland road was built to encourage commerce from Lancaster to Sunderland. Over the next century, residents constructed a meetinghouse and assembled a small town. The incorporation of Shutesbury in 1761 allowed residents to expand their community to include a church and public library. The town has grown to now include over 1,700 people while maintaining the charm and civility that Shutesbury has continually represented.

Shutesbury continues to thrive in western Massachusetts as a rural community amidst burgeoning cities. The promise of this town is rooted in its commitment to protecting natural resources and recognizing the capacity of forests, streams and rural communities for future generations to enjoy.

On the occasion of the 250th anniversary of the town of Shutesbury, Massachusetts, I congratulate its citizens and praise their dedication and perseverence throughout the town's history. I look forward with enthusiastic support as we continue together to work toward a prosperous future.

IN HONOR OF REVEREND THOMAS O'DONNELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Reverend Thomas O'Donnell, who has devoted his life to the enrichment of his community.

Reverend O'Donnell was born in Cleveland, Ohio at St. John's Hospital and is one of three children. His brother, Neil is now deceased and his sister Ellen Jane is a nun in Latrobe, Pennsylvania. Reverend O'Donnell spent much of his youth interested in music and eventually received a Bachelor's Degree in Music from Oberlin College before entering the seminary. Ordained on May 20, 1967, Reverend O'Donnell first served at St. Clare Church in Lyndhurst, Ohio. Two years later he began teaching Sacred Music at St. Mary Seminary. While he was teaching, in 1972, Reverend O'Donnell began attending Case Western Reserve University to further his studies in Sacred Music.

After fourteen years at the seminary, during which time he also became Diocesan Director of Music and Assistant Director of the Diocesan Office for Pastoral Liturgy, he decided to return to parish ministry. Reverend O'Donnell then began to serve as a hospital chaplain, first at Brentwood and Suburban Hospitals and later as the Catholic Chaplain at MetroHealth Medical Center in Cleveland. He underwent a two year training course at the Cleveland Clinic prior to his work as a chaplain.

Reverend O'Donnell has been with Holy Name for fourteen years and has worked tirelessly for the betterment of his parish and the entire community. Reverend O'Donnell brought together a parish life steering committee and was integral in opening the John Paul II—Ozanam Hunger Center, along with churches in Slavic Village and several other suburban parishes. Furthermore, his parish now provides the area with five Alcoholics Anonymous meetings a week, a Parish Wellness Center, a hot meal program which serves the community twice a month, and countless other civic organizations and projects.

Mr. Speaker and colleagues, please join me in honor of Reverend Thomas O'Donnell, a hardworking, heartfelt individual who has devoted his life so tirelessly to God and his community.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 478, I was unavoidably detained. Had I been present, I would have voted "aye."

HONORING HUGHSON POLICE CHIEF JANET RASMUSSEN

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Hughson Police Chief Janet Rasmussen, who rose through the ranks to become the County of Stanislaus and the City of Hughson's First Female Chief nearly 7 years ago, announced her retirement as of July 30, 2011; after serving in law enforcement for 36 years; and

Chief Rasmussen started her law enforcement career as a Volunteer Dispatcher-Clerk in April 1975, School Resource Officer and Matron-Dispatcher-Clerk in May 1976, and Dispatcher-Clerk in June 1977 through January 1982, Explorer Advisor in January 1979 through January 1982; and Reserve Police officer in January 1979 through January 1982; and

Janet Rasmussen continued her career serving in the Tulare County Sheriffs Department, hired by the Corcoran Police Department in 1976, Tulare Police Department in 1977, Tulare Sheriff's Department in 1982; and the Stanislaus County Sheriff's Department in 1991; while attending College of the Sequoias and receiving her Associates of Science in Criminal Justice in 1981, becoming a P.O.S.T Graduate in 2002, and completing her Bachelors of Science program in 2006; and

Janet Rasmussen was selected as the First Woman Narcotics Detective in Tulare County and First Woman Sergeant to serve in patrol, the First Female selected in Stanislaus County Sheriffs Department, the First Woman Instructor for Stanislaus County Sheriffs Department at the Ray Simon Regional Training Center Police Academy for Firearms, Weaponless Defense, Expandable Baton, Oleoresin Capsicum; the First Woman Team Leader for a Hostage Negotiation Team and in 2005 was selected as the First Woman in Stanislaus County Sheriffs Department serving as Chief of Police for the City of Hughson; and

Allowed attendance only by invitation and through an extensive nomination process she was the 2nd Woman in Stanislaus County to attend the FBI National Academy graduating in 2007, whereby only 12,000 women out of 39,000 attended the academy since its inception in 1935; and during the Chief's tenure in Stanislaus County, Criminal and gang activity remained at a level that placed Hughson as one of the safest communities in the Stanislaus County compared to communities in the area; and

Chief Rasmussen was very active in various organizations and extended her service to society by participating and volunteering in various organization such as serving as Governing Board Member—Stanislaus County Association of Law Enforcement Executive; Joint Powers Advisory Board Member for the Stanislaus County Drug Enforcement Agency; Advisory Board Member for the Stanislaus County Domestic Preparedness Task Force and Joint Board Member for the Office of Emergency Services Operational Area County; and a Member of the FBI National Academy Association; receiving AAA Auto Theft Recovery Award; and the Excellence in Law Enforcement and Public Safety Award.

Chief Rasmussen has been an outstanding and highly effective Police Chief whose quiet and steady leadership is an excellent example to us all of how to serve humanity.

Mr. Speaker, please join me in honoring and commending the outstanding contributions made to law enforcement and the Hughson Community by Chief of Police Janet Rasmussen and hereby wish her continued success in her retirement.

THE INTERRELIGIOUS TASK FORCE ON CENTRAL AMERICA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today to honor the InterReligious Task Force on Central America on the occasion of its 30th anniversary.

Since its inception, the IRTF has strived to promote peace, justice, human rights, and nonviolence in Central America by raising awareness in Northeast Ohio. It has constantly sought out policies that support anti-militarism, environmental human rights, economic justice, ending the exploitation of labor, and the promotion of fair trade in Central America.

In 1987, the IRTF started the Rapid Response Network for Human Rights, which allowed volunteers to write letters in order to protest urgent human rights abuses. Originally conceived to respond to human rights abuses in Guatemala, this service is currently available for all Central American nations and Columbia.

The IRTF has also worked to expose the negative effects of globalization in Central America. These effects include ecological destruction, privatization of utilities and other public services, a decrease in labor standards, and the disruption of local populations by large multi-national corporations. Through its efforts to promote fair trade, Northeast Ohio is now one of the largest markets for fair trade coffee in the United States.

Mr. Speaker and colleagues, please join me in honoring the InterReligious Task Force on Central America, an organization whose policies work to improve conditions for the oppressed peoples in Central America, on the occasion of its 30th anniversary.

25TH ANNIVERSARY OF HOSPICE AND PALLIATIVE CARE NURSES ASSOCIATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mrs. McCARTHY of New York. Mr. Speaker, as a nurse of many years, I rise today to extend my sincere congratulations to the Hospice and Palliative Care Nurses Association (HPNA) on the occasion of its 25th anniversary (1986–2011). Representing nearly 10,000 members across the United States, HPNA is now the nation's largest and oldest professional nursing organization dedicated to promoting excellence in hospice and palliative nursing care. Since 1986 HPNA has played an important role in promoting excellence among palliative nursing professionals through evidence-based educational tools, specialty resources, visionary collaboration, and professional networking. The important role that these nurses play in the lives of individuals and their families is worthy of celebration, and I add my voice to those honoring the organization's 25 years of service.

As my colleagues may know, nurses now comprise the largest group of health professionals with approximately 2.9 million providers offering essential care to patients in a variety of settings, including hospitals, long-term care facilities, community or public health areas, schools, workplaces and home care. Nurses represent the public interest and not a special interest. The contributions made by the practice and science of nursing are significant, and in collaboration with other healthcare professionals, significantly improves the quality of our nation's health care system. Simply put, nurses are involved in every aspect of health care, including end of life care. The field of hospice and palliative care nursing is instrumental in treating the person and taking into account the medical, social, psychological, and spiritual needs of a patient and their family at the end of life. This key field of nursing emphasizes quality of life at life's end, and for that I am grateful. Hospice is a covered benefit under Medicare, Medicaid, and most private insurance plans. I applaud HPNA,for educating families and the public regarding these important considerations and care options.

Again, I commend the work, dedication and commitment of the hospice and palliative care nurses and the HPNA to improve the quality of life for individuals and their families at the end of life. I look forward to continuing to work with my fellow nurses in this important field as well as the critical patient population and families that they serve.

HONORING RACHEL ANSZELOWICZ

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. ISRAEL. Mr. Speaker, I rise today to commend an extraordinary constituent of mine, Rachel Anszelowicz.

Rachel visited my office recently to tell me about how difficult it is to live with type 1 diabetes. She told me about the painful glucose monitors and burdensome insulin pumps that she and other children with juvenile diabetes use to manage their disease. And, she told me about her increased risk as an adult for, among other ailments, kidney failure and heart disease. As a 2011 Children's Congress delegate from the Juvenile Diabetes Research Foundation, Rachel spoke with a poise and maturity beyond her 13 years.

In her fight with the disease, Rachel is not alone. As many as twenty-six million Americans have diabetes, which ultimately accounts for $174 billion in health care costs in the United States, and twenty-two percent of hospital inpatient days. If we are to bring down this country's rising health care costs, then new cost effective and high quality treatments for chronic diseases like diabetes will be a critical part of that effort.

Research by the Juvenile Diabetes Research Foundation and other clinical experts

has indicated that an artificial pancreas could be a potentially transformative tool to manage type 1 diabetes. By automatically controlling blood glucose levels, it would drastically improve the quality of life for those like Rachel Anszelowicz who struggle daily with the disease.

There is currently no "quick-fix" or lasting solution for type 1 diabetes. There is no cure. So, for Rachel and my other constituents with juvenile diabetes, I will continue to support the research necessary to translate these and other innovations from lab tested to in daily use by patients.

JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity:

Ms. RICHARDSON. Madam Chair, I rise in opposition to H.R. 2021, the incorrectly named Jobs and Energy Permitting Act of 2011, which, aside from creating no jobs, merely permits major offshore oil companies to skirt reasonable clean-air standards, leading to greater health hazards and a poisoned environment for my constituents in California and others living on America's coastlines.

Under the Clean Air Act of 1990, large, offshore projects that emit more than 250 tons of an air pollutant are subject to pre-construction air pollution permits, just like any on-shore installation, such as a factory. Oil rigs and their support ships are subject to regulations based on the amount of pollution they distribute into the air and the surrounding ocean.

H.R. 2021 declares that pollution regulations shall apply "solely with respect to the impacts in the corresponding onshore area." This means that the ocean and all the area from the oil rig to the breakers will not be properly taken into account when a company prepares its environmental impact reports. Near-shore areas with extensive human activity such as fishing and boating sites will not matter. Companies will be regulated according to how much they pollute at long distances, allowing them to pump more toxins into the air.

We all know that air pollution contributes to adverse health effects and environmental degradation. Nowhere is this more obvious than in my home state of California where toxic air pollution is consistently linked to cancer and birth defects. According to the Environmental Protection Agency, the City of Los Angeles, where my 37th Congressional District is located, has some of the highest levels of cancer-related toxic air pollutants in the country. The Clean Air Act itself was a direct response to the issues of air quality in major American cities such as Los Angeles, and I cannot support a bill that undoes efforts which have improved the quality of life for so many of my constituents.

As a member of the Committee on Transportation and Infrastructure representing a major port city, I authored the Diesel Emissions Reduction Act, DERA, of 2010, which was passed in the 111th Congress. DERA provides economic incentives to retrofit commercial diesel engines, making them cleaner and more efficient without threatening trade. Instead of letting offshore drillers pollute more, we should focus on technologies and procedures that lessen their environmental impact.

I believe that, in the wake of the Deepwater Horizon disaster, offshore oil drillers should be held to the highest standards. To this end, I will soon introduce the Securing Health for Ocean Resources and Environment, SHORE, Act, which will ensure that offshore drilling operations prepare comprehensive disaster mitigation and clean-up plans before they ever begin operations.

Under H.R 2021, the weak regulations the Republicans are attempting to establish would not even be in effect until "the period between when drilling commences at a location and when drilling ends at that location." Support vessels, which produce the majority of emissions at these sites, would not have to apply any pollution controls or be factored into environmental impact statements. These provisions will effectively prevent the EPA and state authorities from addressing serious sources of pollution from offshore oil and gas sites.

In addition to recklessly cutting critical safeguards to air pollutants, this legislation will remove any authority for EPA's Environmental Appeals Board to review permit decisions for offshore exploration activities. Stakeholders who wish to challenge an EPA permit would have to do so through costly litigation through the DC Circuit Court of Appeals. Furthermore, it cuts down the time allotted for public review and places similar time constraints on state and local hearing boards.

In summary, this destructive bill would remove basic safeguards to toxic pollutants and restrict procedures used to challenge oil companies who drill in sensitive areas. There are similar operations going on just off shore from my district, and I cannot tell my constituents that I sat idly by while Congress allowed more toxic substances to fill our air and threaten our environment. I urge my colleagues to vote for the health of the American people and oppose this legislation.

IN HONOR OF THE 20TH ANNIVERSARY OF SLOVENIAN STATEHOOD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 20th anniversary of Slovenian Statehood. I am also pleased to be joined by the Consul General of the Republic of Slovenia, Mr. Jure Zmauc, his wife, Mrs. Janja Zmauc, and Dr. Bostjan Zeks, Minister for Slovenes Abroad, to celebrate Slovenian Statehood Day.

The twenty-fifth of June is Slovenian Statehood Day, an annual celebration of Slovenia's independence and the sovereignty it gained in 1991. It is a commemoration of the struggles and triumphs of the people of Slovenia. It also serves as an opportunity for residents of northeast Ohio to celebrate the customs, traditions and contributions of Slovenian Americans to our community.

This year's celebration of Slovenian Statehood Day begins with a reception at the Slovenian Museum and Archives where a special exhibit depicting the role of Americans of Slovenian heritage that worked to gain independence will be on display. Later in the evening the city of Cleveland Mayor Frank Jackson and Councilmen Michael Polensek and Joe Cimperman will host an event that will feature musical performances by Raine Austen and the Men's Chorus Mi smo Mi.

Mr. Speaker and colleagues, please join me in honor and recognition of the 20th anniversary of Slovenian Statehood. Slovenia has grown in many facets over the years and should be recognized for its prosperity.

IN HONOR OF FATHER MARTIN MORONEY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Ms. MATSUI. Mr. Speaker. I rise today in recognition of Father Martin Moroney. He has served as a pastor in Northern California and the Sacramento area since he came to this country in 1967. As his friends and family celebrate his retirement, I ask my colleagues to join me in thanking him for his dedication and leadership.

Born in County Clare in western Ireland, Father Moroney grew up in a small town on his family's farm. He loved the countryside of Ireland, but later felt very much at home in Northern California and the Sacramento area's cities and open spaces.

Father Moroney spent his 12 twelve years in the United States as an assistant pastor in several parishes, beginning with St. Mel's in Fair Oaks and St. Anthony's in Mt. Shasta. In 1970 he moved to St. Theresa's in South Lake Tahoe, and 6 years later he began to serve at Sacred Heart in Sacramento. In 1978 he transferred to All Hallows on 14th Avenue.

As Father Moroney gained experience in these welcoming parishes, he began to take on larger responsibilities. He became pastor of St. John's in Quincy; there he led his own parish as well as nearby Greenville's mission church. For 12 years, he happily served as spiritual leader for these two Plumas County communities.

In 1993, Father Moroney was asked to move to Rancho Cordova, where he has remained as pastor up until his retirement. The St. John Vianney parish in Rancho Cordova was very welcoming and quickly grew to love and respect him as their pastor. Father Moroney has dedicated his work and service to guide the church's followers for 18 years. During that time he has reached out to the Hispanic community and launched a program of Spanish-language masses. Furthermore, he recently oversaw the addition of monthly Indonesian-language masses to celebrate the Indonesian community in the area.

When Father Moroney first came to St. John Vianney's, the church had a $200,000 debt. As he retires, Father Moroney is happy to report that the debt has been completely paid off. He is also ecstatic that the church's school fund has grown so much that the interest earned is helping support the school.

Father Moroney's retirement marks the end of almost half a century's dedication to helping others. He has made important contributions to every parish that he worked in, and helped countless individuals find their way. His leadership will be sorely missed from the Sacramento area and beyond, though his conviction and dedication will be remembered for a long time by the people he encountered across the state.

Mr. Speaker, I stand today to honor Father Moroney, who has been an exceptional community leader. He has devoted his life to serving and to assisting those around him. I ask all my colleagues to join me in wishing Father Moroney the best as he retires.

INTRODUCTION OF THE ROBIN DANIELSON ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mrs. MALONEY. Mr. Speaker, as a longtime advocate of women's health, I am proud to reintroduce the Robin Danielson Act, legislation that would address the unanswered health concerns regarding the safety of tampons. Given the sheer number of women who use these products and the potential cumulative adverse effects, it is time women have definitive answers about the potential risk these products pose to their health.

Today, approximately 73,000,000 women in the United States use tampons made of cotton and rayon and the average woman may use as many as 16,800 tampons in her lifetime. Rayon is a synthetic fiber produced from bleached wood pulp. During this process, dioxin, a probable cancer-causing agent, is created. Although chlorine-free bleaching processes are available, most wood pulp manufacturers use elemental chlorine-free bleaching processes, which continue to produce dioxin. Due to a lack of access to timely and comprehensive information, most women are not fully aware of the potential risks associated with use of the mainstream product. Dioxins in tampons and TSS are serious women's health concerns that have not been adequately monitored, analyzed, or reported.

Like thousands of others, Robin Danielson, whom the bill is named after, was the victim of Toxic Shock Syndrome (TSS), a rare but potentially life-threatening illness that is often linked to high-absorbency tampon use. Robin's death could have been prevented if only she had recognized the symptoms. Even today, many women are not fully aware of the risks of tampon use or TSS. This legislation would direct the National Institutes of Health (NIH) to conduct research to determine the extent to which the presence of dioxin, synthetic fibers, and other additives in tampons and related products pose any health risks to women and asks the Centers for Disease Control (CDC) to collect and report information on Toxic Shock Syndrome (TSS).

According to the Center for Disease Control and Prevention, one to two of every 100,000 women between the ages of 15–44 years old will be diagnosed with TSS each year. Yet, the last national surveillance was conducted in 1987 and reporting of TSS by the states is voluntary. It is clear we do not have enough transparent or timely information to evaluate the reality of TSS today.

This legislation is necessary to provide women with accurate information about the safety of tampons and to increase awareness about the risk of TSS.

RECOGNITION OF THE 250TH ANNIVERSARY OF THE TOWN OF BELCHERTOWN, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. OLVER. Mr. Speaker, on June 30, 1761, the town of Belcher's Town, Massachusetts, was incorporated by the colonial Governor of the Commonwealth of Massachusetts, Sir Francis Bernard. The town is named for Jonathan Belcher, colonial Governor of the Province of Massachusetts Bay from 1730 until 1741. After 250 years of development and innovation, Belchertown continues to promote civility and cooperation amongst its citizens.

Overlooking the Connecticut and Quaboag Valleys, Belchertown has long been a town connected to the thoroughfares passing through the area. Many of the original buildings were taverns to accommodate travelers; however, the first railroad in 1850 allowed greater diversity in the town's commercial endeavors. In the past century, Belchertown has continued to prosper while maintaining the community-oriented charm familiar to most of western Massachusetts.

The commitment to volunteerism and community service is traced throughout Belchertown's history. Its citizens stand as an example of what hard work and resolve can accomplish, as evidenced by the formidable carriage industry in the early 1800s, the town's first library in 1887, the development of Quabbin Reservoir in 1927, and the brave service of numerous citizens in every U.S. war except the War of 1812.

On the occasion of the 250th anniversary of the town of Belchertown, Massachusetts, I congratulate its citizens and praise their dedication and perseverance throughout the town's history. I look forward with enthusiastic support as we continue to work together for a prosperous future.

HONORING JAMES ADDY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mrs. CAPITO. Mr. Speaker, I rise to recognize and honor, James Addy, the mayor of Harpers Ferry, West Virginia. Mayor Addy will retire this month after 10 successful years in the mayor's office. Jim has been Mayor since 2001 and is a professor of social studies at Bowie State University, where he teaches courses in American history. He has served a stalwart career as a public official and has worked relentlessly to improve his community.

Mayor Addy brought an honest and clear vision to Harper's Ferry where he has worked to bring a better life to its citizens. I have always valued his wise counsel.

In his terms in office, Mayor Addy has applied his wealth of knowledge. As a professor, he knows the common thread of American history and how lessons learned in the past are often repeated in the future. As a teacher and former assistant principal, he applied his ability to build relationships and mentor those who will follow in his footsteps, especially the younger generation. And finally as a product of a childhood in a neighborhood of Baltimore, he brought the idea of working for a better community and a greater good.

Mayor Addy, I hope that you enjoy your time out of public service. I know you will continue to teach and affect the young lives that you so believe in. I know that you will continue to be involved in all aspects of Harpers Ferry and its future.

You have done a great job. I wish you the very best.

AMERICA INVENTS ACT

SPEECH OF

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. PENCE. Madam Chair, I rise in support of H.R. 1249, the America Invents Act, which is a carefully-crafted compromise that will modernize our nation's patent laws to allow for greater innovation, economic growth and job creation.

Years of hard work have gone into this bill. I would like to congratulate and thank Chairman SMITH and Rep. GOODLATTE for their leadership and diligence.

The Constitution vests in Article I, Section 8, clause 8, the power to Congress to "promote the Progress of Science and useful Arts, by securing for limited Times to . . . Inventors the exclusive Right to their . . . Discoveries."

Our patent laws were written nearly sixty years ago, and it is time to update them to account for changes in our modern economy. It is Congress's power and responsibility to do so, especially with the problems that are evident with the patent system today.

And not doing so will cost our country even more jobs. Patent reform is about jobs because intellectual property, like other forms of private property, is a pillar of economic prosperity. Part of creating a pro-growth environment in this country includes modernizing our patent laws.

I have heard about the need for modernization from countless Hoosier business leaders, patent holders and entrepreneurs. Indiana has a long tradition of leadership in the life sciences and medical industry. Indiana also has a robust university research system, growing tech industry and, of course, a manufacturing industry that grows more high-tech with each passing year.

These and many other sectors of the Hoosier economy will benefit from the reforms in this bill. When inventors and entrepreneurs are able to protect their inventions and speed

them to market, it creates jobs not only for researchers and inventors, but also for factory workers, distributors, sales associates, and marketing teams to name a few.

This bill will ensure that newly-issued patents will be strong, high-quality patents that have gone through rigorous review. It will modernize the U.S. Patent and Trademark Office to reduce the current backlog of more than 700,000 patent applications, and it will ensure that the PTO, with proper congressional oversight, is able to retain the fees it collects to fund its operations. Finally, this patent reform bill will go a long way towards eliminating the lawsuit abuse that has become so prevalent in recent years.

Of personal interest to me, I am pleased that the bill before us incorporates the changes to best mode that I obtained during the 2007 patent reform debate and floor vote.

American patent law currently requires that a patent application ''set forth the best mode contemplated by the inventor of carrying out his invention'' at the time the application is filed. But providing the best mode is not a requirement in Europe, Japan or the rest of the world and it has become a vehicle for lawsuit abuse.

In my view, the best mode requirement of American law imposes extraordinary and unnecessary costs on inventors. I have maintained since 2007 that best mode should be repealed in full, and I would continue to support a full repeal if possible today.

But, at the very least, I am pleased that the bill before us, like my amendments from 2007, only retains best mode as a specifications requirement for obtaining a patent. Once the examiner is satisfied that the best mode has been disclosed, the issue is settled forever. Going forward, best mode cannot be used as a legal defense to infringement in patent litigation or a basis for a post-grant review proceeding.

The America Invents Act will enable America to continue to be the world's leader in innovation. It will lay the groundwork for intellectual property protection that will help grow our economy and create jobs both in the Hoosier state and across the nation.

After so many years, I am encouraged that we are on the cusp of passing this bill out of the Congress and sending it to the president. I urge my colleagues to support the America Invents Act today.

HONORING PROFESSOR MEL BARON ON THE OCCASION OF HIS RECEIPT OF THE PINNACLE AWARD FROM THE AMERICAN PHARMACISTS ASSOCIATION FOUNDATION IN RECOGNITION OF HIS PIONEERING WORK TO ADDRESS THE PHARMACY NEEDS OF UNDERSERVED COMMUNITIES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to honor Professor Mel Baron of the University of Southern California School of Pharmacy upon his receipt of the Pinnacle Award for Individual Achievement by the American Pharmacists Association Foundation (APhA).

Dr. Baron, who is now celebrating his 52nd year in the pharmacy profession, ranks as a practice pioneer, an educational futurist and a regional force in meeting the pharmacy needs of our community. He has been a visionary in establishing pharmacy as part of the solution in meeting the health-care needs of Southern California's 2.7 million uninsured residents. Dr. Baron is a recognized leader in providing expanded pharmacy services in safety-net clinics that increase the number of patients served while also providing better and more cost-efficient care. His pioneering effort to secure USC's first funding grant for clinical pharmacy practice in safety-net clinics earned the School of Pharmacy the APhA Pinnacle Award for Group Practice, the American Society of Health-System Pharmacists' (ASHP) Best Practices Award and the American Association of Colleges of Pharmacy's (AACP) Transformative Community Service Award over the past few years.

Furthering his efforts to address the needs of underserved populations in Southern California, Dr. Baron has produced a series of Spanish and English fotonovelas (comic book-like pamphlets) on medication compliance, diabetes, folic acid, depression, dementia, pediatric asthma and childhood obesity. Recognizing the lack of culturally sensitive health information on these topics, Dr. Baron obtained grant funding to produce them. Through these materials, he has extended the reach of pharmacy expertise tremendously and offered vital information to the residents I represent in East Los Angeles. These fotonovelas have now been distributed across the country. In addition to the print versions, local actors have done theatrical readings of them at health fairs in Los Angeles. Currently, he is also leading an effort to produce a DVD series for prospective transplant patients and their families.

Earlier in his career, Dr. Baron worked in his own medical-building pharmacy. In the 1970s, he grew his business into a vibrant home-care pharmacy that met the pressing needs of patients struggling to live in a health-care environment with limited resources. At a time when home-care pharmacy services were in their infancy, Dr. Baron had the vision to use pharmacist expertise in the home-care setting to meet the needs of these patients.

Dr. Baron also approaches his teaching with excellence in mind. He originated externships for USC pharmacy students back in the 1980s—long before most pharmacy students were doing any clinical work in the early years of their curriculum. Dr. Baron recognized the wisdom of exposing pharmacy students to clinical settings early and often in their educational careers. Dr. Baron also has made it a priority to teach an annual course on leadership to pharmacy students.

Clearly, Dr. Baron has been at the forefront of the most pressing issues of pharmacy today. Through hard work, Dr. Baron's long and vibrant career has been marked by pioneering foresight and vision. In addition, his work has inspired students and served those in our community who are most vulnerable and in need.

Mr. Speaker, I ask my colleagues to please join me in congratulating Dr. Baron on his receipt of the Pinnacle Award and in thanking him for his half-century of exceptional service to our community. His tireless leadership, innovation and inspiration have made a tremendous contribution to our community and to the nation, and I extend to him my best wishes for many more successful years ahead.

YORK RIVER WILD AND SCENIC RIVER STUDY ACT OF 2011

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Ms. PINGREE of Maine. Mr. Speaker, the York River in Maine is the cultural and economic heart of the York River watershed community. Standing on the banks of the river, I heard from community members about what the river means to them and how they have pulled together to protect this waterway. I also heard from the community about how the York River needs additional protections from increasing development pressures. The bill that I am introducing today commissions a feasibility study which will provide a comprehensive overview of the river and will evaluate whether the York River qualifies as a Wild and Scenic Partnership River within the National Park Service's Wild and Scenic Rivers System.

Watching two York River lobstermen tie up their boat, I wouldn't have guessed that the York River area is on the northern fringe of the Boston megalopolis in terms of population and development pressures. The towns of York, Eliot, Kittery, and South Berwick recognize that without additional knowledge and management tools, the river's unique cultural, recreational, commercial, and natural resources will be threatened. Support for the York River Study Bill was the result of a partnership between the local environmental community, a local land trust, support from the state, and, most importantly, support from an entire community of Mainers with the foresight to recognize the value of the river to the business community.

The York River is located in southern Maine and runs 11.25 miles from the York Pond in Eliot to the mouth of the river harbor in the town of York. On its way from the land to the sea, this river passes by farms, old mills that date back to the 1600s, wharves and warehouses from the 1700s that tell the story of Maine's rich fishing heritage, public boat launches, working waterfronts, and recreational spots for lunching, fishing and kayaking. There have been concerted and successful efforts over the past ten years by the York Land Trust and the Mount Agamenticus to the Sea Conservation Initiative to protect land in the watershed. These efforts have included preserving historic waterfront access, preventing the subdivision of farms, and restoring habitat.

Listed as a Priority Coastal Watershed by the Maine Department of Environmental Protection, the York River watershed encompasses a wide diversity of habitats and ecological communities that support species including the wild brook trout, the Atlantic Salmon, the New England Cottontail, and Maine endangered species, such as the Eastern Box Turtle. Birders come to the York River to see exceptional varieties of birds including the threatened Harlequin Duck, which is seldom seen from shore anywhere in Maine except York County, as well as other species that call

the York River home, like great blue herons, bald eagles and ospreys.

The York River is also a classroom for young environmentalists—a place where students actively learn about the values and ecology of the river habitat through forward-looking environmental curricula developed by the public schools. In addition to its value as a natural setting for young and old learners alike, the river also serves as a recreational center. The waterways of the York River provide fishing grounds for residents and visitors who fish for striped bass and flounder, and the river is increasingly used for sailing, canoeing, and kayaking.

But, the York River is more than a beautiful place with abundant natural resources. It is also a place where people are making their living. Small fishing operations carry on trades that have been practiced on the river for hundreds of years. Sections of the York River are nationally recognized historic working waterfronts, and continue to provide access to the river for water-dependent businesses. Through preservation of historic waterfront access points such as Sewall's Bridge, the York River community has made it possible for local lobstermen to continue to engage in a trade that has shaped and continues to define the spirit of Maine. And, the York River watershed is a place where farmers carry on Maine tradition, growing pumpkins, potatoes and other produce that keep Maine communities healthy. These farmers face the same development pressures that waterfront businesses do, and the York River community has made it possible for farms like Highland Farm to keep providing sustainable local food sources.

Visitors come to the York River to enjoy its unique recreational, scenic, and historic values, and the York River community welcomes them and recognizes that preserving and maintaining this vibrant landscape is of critical economic importance. The York River community's investments in conservation have been substantial and have resulted in the preservation of natural and historical aspects of the river that draw visitors from throughout Maine and throughout the nation. This study bill will be a vital means of continuing to support these important efforts so that the York River can remain a community resource for future generations.

COMMEMORATING THE 175TH ANNIVERSARY OF THE NATIONAL LIBRARY OF MEDICINE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. BURGESS. Mr. Speaker, today I rise to commemorate the 175th anniversary of the National Library of Medicine. What began in 1836 as a small collection of medical books on a shelf in the library of the U.S. Army Surgeon General is now the world's largest biomedical library. The National Library of Medicine, part of the National Institutes of Health, is located in Bethesda, Maryland.

Today, the National Library of Medicine is much more than a collection of books. The National Library of Medicine is dedicated to the innovative use of communications and medical information to enhance public access and understanding of human health as well as to provide valuable information resources for medical research. Whether it is serving to facilitate advances in medical technology, empowering the public to play an active role in managing health and health care, developing groundbreaking electronic health records, or responding to national emergencies with disaster management research, the National Library of Medicine is the world's most trusted resource for health information and innovation.

This historic anniversary is an opportunity to recognize the valuable contributions the National Library of Medicine has made to scientific discovery, health care delivery, and public health response. It is with great honor that I congratulate the National Library of Medicine on 175 years of excellence in medical and health information and look forward to seeing the positive effects its continuing innovation will have in the future.

HONORING NINOSKA PEREZ CASTELLON

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. DIAZ-BALART. Mr. Speaker, I rise today to recognize the work and accomplishments of a distinguished radio journalist, artist and community activist of South Florida, Ninoska Perez Castellon.

Ninoska Perez Castellon is a prominent figure among the exiled Cuban community and deserves our upmost respect for always promoting democracy and freedom. Ninoska was born in Havana, Cuba. At the age of nine, her family was forced to flee from communist Cuba, leaving Ninoska to begin a new life in the United States. Ninoska's family began to transition to their new life by adapting to the American culture and language; nevertheless, their roots were never forgotten.

Being raised and educated in Miami allowed her to be close to her family who ingrained values and morals into Ninoska that hold true today. Her mother, Mrs. Rogelia Castellon has not only been a loving mother but has also been a fountain of knowledge and wisdom for her daughter. Rogelia is an intellectual and indefatigable fighter for the liberty of Cuba. Despite the tribulations she has endured, Rogelia refuses to be discouraged.

Learning perseverance from her mother, Ninoska completed her studies at Miami-Dade College and the University of Miami. At a very young age, Ninoska began her role as an active leader against the tyranny of Castro's communism. She has not only advocated for Cuba's liberty on American soil but her message has reached many hearts and ears around the world. Her voice has broken many barriers of an enslaved country living under the most prolonged and cruelest dictatorship in the continent.

Ninoska and her husband, Roberto Martin Perez, tirelessly condemn each crime committed by the Castro regime. Roberto is an exemplary individual who experienced firsthand the horrors of Cuban prisons with courage and dignity for 28 long years.

Ninoska's profound knowledge and expertise led her to testify before the U.S. Congress as an expert witness on Cuban issues. As a founder of various Cuban-American organizations, Ninoska has gained the respect of numerous exiled communities residing in South Florida.

Ninoska symbolizes the American dream and is testament to what can be accomplished through hard work and dedication. For over 25 years, she has developed professionalism in her work as a journalist and is now one of the most recognized personalities in radio, television and print media. She currently produces and directs the program Ninoska Mambi on the emblematic Spanish radio station Radio Mambi. In addition to her continued journalistic success, Ninoska is also a talented artist. Her artwork portrays her undying love of Cuba and has been displayed in many galleries.

As a lover of freedom and democracy, Ninoska defends the United States with the same dedication and passion as she does for Cuba. Ninoska, having immense passion, has never ceased to denounce the crimes and abuses of totalitarian regimes. Her ideas and knowledge will be everlasting in the books she has written.

Mr. Speaker, I ask my colleagues to join me in recognizing my dear friend, Mrs. Perez Castellon for her morals and principles, her loyalty and love of Cuba, as well as her talent and dedication to our community of South Florida. My most sincere appreciation and admiration goes out to you, Ninoska Perez Castellon, you are a special person who has dedicated a life both, personally and professionally, fighting for democratic principles and the liberty of Cuba.

JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity:

Ms. RICHARDSON. Mr. Chair, I rise in strong support of the Capps amendment to H.R. 2021.

I thank my colleague, the gentlelady from California for bringing this amendment to the floor.

The Capps amendment corrects a glaring flaw in this legislation by maintaining the rights of states who have already been delegated authority to continue to regulate and monitor air pollution from offshore oil and gas operations that will ultimately affect their residents.

H.R. 2021 seeks to degrade state permitting powers by cutting time frames, restricting citizen engagement, and shifting responsibilities back to the Environmental Protection Agency.

I find it interesting that some of my colleagues who campaign on small government have decided to fight regulation by stripping authority from local agencies and handing it over to a federal bureaucracy!

Under the Clean Air Act, states have the right to issue permits and regulate emissions according to their own criteria, which either meet or exceed national standards.

States and localities should take the lead in regulating pollution because they are most responsive to the concerns of their citizens and

familiar with the dynamics at work on the ground.

In my home state of California, cities such as Los Angeles, where my 37th Congressional District is located, have struggled with air pollution for decades.

Thanks to the efforts of state regulatory agencies, such as the California Air Resources Board, the region has seen a marked improvement in air quality and other environmental indicators. The number of air quality alerts has fallen from over 200 per year in the 1970s to less than 10 per year today.

For 17 years, the Air Resources Board has regulated and monitored oil and gas operations near my district. The standards they employ were developed over nearly 5 decades of experience, and, most importantly, they remain directly accountable to the people and communities of California.

Mr. Chair, I believe that if a state invests time and money towards establishing high standards and creating innovative solutions to a problem, they ought to enjoy the full support of the law.

I urge my colleagues to support the Capps amendment.

HONORING U.S. MERCHANT MARINE

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. REED. Mr. Speaker, I rise today to acknowledge the tremendous work accomplished by the U.S. Merchant Marine during World War II.

Those who served on ships in the Merchant Marine risked their lives and welfare during World War II to protect our country. Like our other service members, the Merchant Marine members served in both theaters of war. They faced enemy fire, floating mines and other dangerous conditions. Unfortunately the risks faced by these brave men have often been forgotten.

Mr. Speaker, one of my constituents, Jacena Brahm, wrote me a letter to tell me about her husband, Vernon Lee Brahm, who served in the U.S. Merchant Marine. I'm proud to recognize Mr. Brahm and all the brave men who served in the Merchant Marine during World War II. These men committed their lives to America's cause by leaving their families and their homes and putting themselves in harm's way to help win the war. I commend these brave souls for all that they did to ensure our freedom. The Merchant Marine helped lead us to victory.

The sacrifices of our veterans have been appreciated throughout the history of our nation, and that demonstration of respect should not be denied to those in Merchant Marine who also defended our nations' interests in World War II.

HONORING JEANETTE SUTHERLIN

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Jeanette Sutherlin on her retirement from the University of California Cooperative Extension; and to thank her for her dedicated, lifelong spirit of community service.

Since joining the University of California Cooperative Extension in 1973, Jeanette has been a leading advocate for nutrition and agricultural education, working tirelessly to implement nutrition education and youth development programs throughout Fresno County.

Jeanette began her career at the University of California Cooperative Extension in Fresno County as the 4–H Advisor. She later took over the role of Nutrition, Family and Consumer Sciences Advisor where she focused on providing nutrition education and access to healthy nutrition for low-income families in Fresno County. In addition, she successfully secured more than a half-million dollars in grants each year to fund multiple projects related to nutrition and agricultural education.

Jeanette's hard work in the Fresno County agriculture industry is deeply valued by those who have worked with her. One of Jeanette's main focuses was strengthening a nearly decade long relationship between the University of California Cooperative Extension and the Fresno County Farm Bureau. President Brian Pacheco commemorated Jeanette's contributions to the Fresno County Farm Bureau, stating, "Jeanette's expertise in nutrition education, youth development and administration has been an asset to the Fresno County Farm Bureau, and her services will not be soon forgotten."

Beyond her work at the University of California Cooperative Extension and Fresno County Farm Bureau, Jeanette has volunteered much of her time to philanthropic endeavors. She currently serves as Chairperson of the Board for the Trauma Intervention Program, providing emotional aid and practical support to victims of traumatic events and their families in the hours following a tragedy.

Mr. Speaker, please join me in honoring Jeanette Sutherlin on her retirement and wishing her the best of luck and health in her future endeavors.

SUPPORT OF A NATIONAL WORLD WAR I MEMORIAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Ms. NORTON. Mr. Speaker, I submit the following:

Whereas, the year 2014 marks the centennial of World War I, often referred to as the "Great War;"

Whereas, the National Mall is home to memorials for America's major 20th century conflicts—the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial, with the exception of a World War I Memorial;

Whereas, the District of Columbia War Memorial, managed by the National Park Service, was dedicated to the more than 26,000 District of Columbia residents who, without a vote in Congress, served bravely in World War I, including 499 who were killed;

Whereas, a memorial dedicated to all Americans who served in World War I should be located in our nation's capital, in a well-traveled area commensurate with the importance of World War I in the nation's history;

Whereas, members of Congress and other Americans desire to establish a commission to ensure a suitable observance of the World War I centennial;

Whereas, the National Park Service, the National Capital Memorial Advisory Commission, and the American Battle Monuments Commission have specifically determined that either adding a new National World War I Memorial in the vicinity of the District of Columbia War Memorial or re-designating the District of Columbia Memorial as a National World War I Memorial would violate the Commemorative Works Act: Be it therefore

Resolved that, the District of Columbia War Memorial should remain a memorial dedicated solely to the D.C. residents who served in World War I; and, be it therefore

Resolved that, a proper location for a memorial dedicated to all Americans who served in World War I shall be determined; and, be it therefore

Resolved that, Congress should authorize a study or commission to determine a proper location for a memorial dedicated to all Americans who served in World War I.

AMERICA INVENTS ACT

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. SMITH of New Jersey. Madam Chair, for over two decades, USPTO has had an internal policy that human beings at any stage of development are not patentable subject matter under 35 U.S.C. Section 101. I commend Chairman LAMAR SMITH for including in the manager's amendment to H.R. 1249, the America Invents Act, a provision that will codify an existing pro-life policy rider included in the CJS Appropriations bill since FY2004. This amendment, commonly known as the Weldon amendment, ensures the U.S. Patent and Trade Office, USPTO, does not issue patents that are directed to or encompassing a human organism.

Codifying the Weldon amendment simply continues to put the weight of law behind the USPTO policy.

This amendment and USPTO policy reflect a commonsense understanding that no member of the human species is an "invention," or property to be licensed for financial gain. Patents on human organisms commodify life and allow profiteers to financially gain from the biology and life of another human person.

Codifying a ban on patenting of humans would not violate international obligations under the TRIPs agreement with the WTO, in which member countries can exclude from patentability subject matter to prevent commercial exploitation which is "necessary to protect ordre public or morality, [and] to protect human, animal or plant life." (The Agreement on Trade-Related Aspects of Intellectual Property Rights, Article 27, Section 5).

Even the European Union prevents patents on human embryos on the basis of morality and public order without conflicting with the TRIPs agreement. (See Guidelines for Substantive Examination. European Patent Office. Part C, Chapter IV, Section 4.5, iii (Rule 28c))

4.5 Biotechnological inventions

In the area of biotechnological inventions, the following list of exceptions to patentability under Art. 53(a) is laid down in Rule 28. The list is illustrative and non-exhaustive and is to be seen as giving concrete form to the concept of ''ordre public'' and ''morality'' in this technical field. Under Art. 53(a), in conjunction with Rule 28, European patents are not to be granted in respect of biotechnological inventions which concern:

(iii) uses of human embryos for industrial or commercial purposes; The exclusion of the uses of human embryos for industrial or commercial purposes does not affect inventions for therapeutic or diagnostic purposes which are applied to the human embryo and are useful to it (EU Dir.98/44/EC, rec. 42).

I also submit into the RECORD items from previous debate on the Weldon amendment that will add further clarification to the intent of this important provision.

SPEECH OF HON. DAVE WELDON OF FLORIDA IN THE HOUSE OF REPRESENTATIVES, JULY 22, 2003

H. Admt. 286

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004—(House of Representatives—July 22, 2003)

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WELDON of Florida:

None of the funds appropriated or otherwise made available under by the act may be used to issue patents on claims directed to or encompassing a human organism.

Mr. WELDON of Florida. Mr. Chairman, technology proceeds at a rapid rate, bringing great benefits to humankind from treatments of disease to greater wealth and greater knowledge of our world. However, sometimes technology can be used to undermine what is meant to be human, including the exploitation of human nature for the purpose of financial gain.

Several weeks ago, at a meeting of the European Society of Human Reproduction and Embryology in Madrid, Spain, it was reported that scientists had created the first male-female hybrid human embryos. The researchers transplanted cells from male embryos into female embryos and allowed them to grow for 6 days. This research was universally condemned as unnecessary and unethical.

Reuters reported that one member of the European Society condemned this research, saying there are very good reasons why this type of research is generally rejected by the international research community. Furthermore, the scientists who created these shemale embryos reportedly want to patent this research.

It is important that we, as a civilized society, draw the line where some rogue scientists fail to exercise restraint. Just because something can be done does not mean that it should be done. A patent on such human organisms would last for 20 years. We should not allow such researchers to gain financially by granting them an exclusive right to practice such ghoulish research.

Long-standing American patent and trademark policy states that human beings at any stage of development are not patentable, subject to matters under 35 U.S.C. section 101. Though current policy would not issue patents on human embryos, Congress has remained silent on this subject. Though this amendment would not actually ban this practice, it is about time that Congress should simply reaffirm current U.S. patent policy and ensure there is not financial gain or ownership of human beings by those who engage in these activities.

This amendment simply mirrors the current patent policy concerning patenting humans. The Patent Office has, since 1980, issued hundreds of patents on living subject matter, from microorganisms to nonhuman animals. It does not issue patents on human beings nor should it. Congress should reaffirm this policy, and this amendment simply accomplishes this by restricting funds for issuing patents on human embryos, human organisms.

Congress should speak out, and I encourage my colleagues to support this amendment.

I would like to add, Mr. Chairman, that this has no bearing on stem cell research or patenting genes, it only affects patenting human organisms, human embryos, human fetuses or human beings.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding to me.

I think I heard the gentleman say this, but I want it repeated again so it is clear. Is the gentleman saying that this amendment would not interfere in any way with any existing patents with respect to stem cells?

Mr. WELDON of Florida. Reclaiming my time, Mr. Chairman, I would respond that, no, it would not. And I recognize that there are many institutions, particularly in Wisconsin, that have extensive patents on human genes, human stem cells. This would not affect any of those current existing patents.

The Patent Office policy is not to issue these patents, and there never has been one. The Congress has been silent on this issue. I am trying to put us on record that we support the Patent Office in this position that human life in any form should not be patentable.

Mr. OBEY. I appreciate the gentleman's clarification.

Mr. WELDON of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. WELDON). The amendment was agreed to.

SPEECH OF HON. DAVE WELDON OF FLORIDA IN THE HOUSE OF REPRESENTATIVES WEDNESDAY, NOVEMBER 5, 2003

Mr. WELDON of Florida. Mr. Speaker, this summer I introduced an amendment that provides congressional support for the current federal policy against patenting humans. It was approved by the House of Representatives without objection on July 22, 2003 as Sec. 801 of the Commerce/Justice/State appropriations bill.

Since that time, the Biotechnology Industry Organization (BIO) has launched a lobbying campaign against the amendment, and has now enlisted the political aid of the broader ''Coalition for the Advancement of Medical Research'' (CAMR), an umbrella organization of groups supporting human cloning for research purposes.

BIO and CAMR claim to support the current policy of the U.S. Patent and Trademark Office (USPTO) against patenting human beings. However, they oppose this amendment, saying it would have a far broader scope—potentially prohibiting patents on stem cell lines, procedures for creating human embryos, prosthetic devices, and in short almost any drug or product that might be used in or for human beings.

The absurdity of these claims is apparent when one compares the language of the amendment with the language of the current USPTO policy that these groups claim to support.

The House-approved amendment reads:

''None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.''

The current USPTO policy is set forth in two internal documents:

U.S. Patent and Trademark Office, ''Notice: Animals—Patentability,'' 1077 Official Gazette U.S. Pat. and Trademark Off. 8 (April 21, 1987):

''The Patent and Trademark Office now considers non-naturally occurring nonhuman 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. The grant of a limited, but exclusive property right in a human being is prohibited by the Constitution. Accordingly, it is suggested that any claim directed to a nonplant multicellular organism which would include a human being within its scope include the limitation 'non-human' to avoid this ground of rejection.''

(This notice responded to the Supreme Court's 1980 decision in Chakrabarty concluding that a modified ''microorganism,'' a bacterium, could be patented, and a subsequent decision by the USPTO's own Board of Appeals in Ex parte Allen that a multicellular organism such as a modified oyster is therefore patentable as well. The USPTO sought to ensure that these policy conclusions would not be misconstrued as allowing a patent on a human organism.)

U.S. Patent and Trademark Office, Manual of Patent Examining Procedure (Revised February 2003), Sec. 2105: ''Patentable Subject Matter—Living Subject Matter'':

''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 nonstatutory subject matter.''

In other words, the USPTO clearly distinguishes between organisms that are nonhuman and therefore are patentable and those organisms that are human and therefore not patentable subject matter.

As a USPTO official testified recently to the President's Council on Bioethics:

''When a patent claim includes or covers a human being, the USPTO rejects the claim on the grounds that it is directed to nonstatutory subject matter. When examining a patent application, a patent examiner must construe the claim presented as broadly as is reasonable in light of the application's specification. If the examiner determines that a claim is directed to a human being at any stage of development as a product, the examiner rejects the claims on the grounds that it includes non-statutory subject matter and provides the applicant with an explanation. The examiner will typically advise the applicant that a claim amendment adding the qualifier, nonhuman, is needed, pursuant to the instructions of MPEP 2105. The MPEP does not expressly address claims directed to a human embryo. In practice, examiners treat such claims as directed to a human

being and reject the claims as directed to non-statutory subject matter.'' (Testimony of Karen Hauda on behalf of USPTO to the President's Council on Bioethics, June 20, 2002, http://bioethicsprint.bioethics.gov/transcripts/jun02/june2I session5.html)

Current USTPO policy, then, is that any claim that can reasonably be interpreted as ''directed to'' or ''encompassing'' a human being, and any claim reaching beyond ''nonhuman'' organisms to cover human organisms (including human embryos), must be rejected. My amendment simply restates this policy, providing congressional support so that federal courts will not invalidate the USPTO policy as going beyond the policy of Congress (as they invalidated the earlier USPTO policy against patenting living organisms in general). Literally the only difference between my amendment and some of these USPTO documents is that the amendment uses the term ''human organism,'' while the USPTO usually speaks of the non-patentability of (anything that can be broadly construed as) a ''human being.'' But ''human organism'' is more politically neutral and more precise, having a long history of clear interpretation in federal law.

Since 1996, Congress has annually approved a rider to the Labor/HHS appropriations bill that prohibits federal funding of research in which human embryos are created or destroyed—and this rider defines a human embryo as a ''human organism'' not already protected by older federal regulations on fetal research. In December 1998 testimony before the Senate Appropriations Subcommittee on Labor/HHS/Education, a wide array of expert witnesses—including NIH Director Harold Varmus and the head of a leading company in BIO—testified that this rider does not forbid funding research on embryonic stem cells, because a human embryo is an ''organism'' but a stem cell clearly is not (see S. Hrg. 105–939, December 2, 1998). That same conclusion was later reached by HHS general counsel Harriet Rabb, in arguing that the Clinton administration's guidelines on stem cell research were in accord with statutory law; this same legal opinion was accepted by the Bush administration when it issued its more limited guidelines for funding stem cell research (Legal memorandum of HHS general counsel Harriet S. Rabb, ''Federal Funding for Research Involving Human Pluripotent Stem Cells,'' January 15, 1999). To argue now that a ban on patenting ''human organisms'' somehow bans patenting of stem cells or stem cell lines would run counter to five years of legal history, and would undermine the legal validity of any federal funding for embryonic stem cell research.

BIO also claims that the amendment raises new and difficult questions about ''mixing'' animal and human species. What about an animal that is modified to include a few human genes so it can produce a human protein or antibody? What about a human/animal ''chimera'' (an embryo that is half human, half animal)? The fact is, these questions are not new. The USPTO has already granted patents on the former (see U.S. patent nos. 5,625,126 and 5,602,306). It has also thus far rejected patents on the latter, the half-human embryo (see Biotechnology Law Report, July–August 1998, p. 256), because the latter can broadly but reasonably be construed as a human organism. The Weldon amendment does nothing to change this, but leaves the USPTO free to address new or borderline issues on the same case-by-case basis as it already does.

In short, my amendment has exactly the same scope as the current USPTO policy, and cannot be charged with the radical expansions of policy that BIO and its allies claim. In reality, BIO opposes this amendment because it opposes the current USPTO policy as well, and has a better chance of nullifying this policy in court (or having courts reinterpret it into uselessness) if it lacks explicit support in statutory law.

This goal is apparent from BIO's own ''fact sheet'' opposing the amendment (see www.bio.org/ip/cloningfactsheet.asp). There BIO argues that human beings should be patentable, if they arise from anything other than ''conventional reproduction'' or have any ''physical characteristics resulting from human intervention.'' In other words, humans should be seen as ''inventions'' and thus be patentable on exactly the same grounds as animals are now.

The logic of this argument reaches beyond the human embryo, because an embryo who resulted from reproductive technology or received any physical or genetic modification presumably remains just as invented throughout his or her existence, no matter what stage of development he or she reaches.

BIO's stated support for reducing members of the human species to patentable commodities makes the passage of my amendment more urgently necessary than ever.

SPEECH OF HON. DAVE WELDON OF FLORIDA IN THE HOUSE OF REPRESENTATIVES FRIDAY, NOVEMBER 21, 2003

AMENDMENT TO SUPPORT CURRENT U.S. PATENT AND TRADEMARK OFFICE POLICY AGAINST PATENTING HUMAN ORGANISMS—(EXTENSIONS OF REMARKS—NOVEMBER 22, 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 understanding 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.

SPEECH OF HON. DAVE WELDON OF FLORIDA IN THE HOUSE OF REPRESENTATIVES MONDAY, DECEMBER 8, 2003

CONFERENCE REPORT ON H.R. 2673, CONSOLIDATED APPROPRIATIONS ACT, 2004—(HOUSE OF REPRESENTATIVES—DECEMBER 8, 2003)

Mr. WELDON of Florida. Mr. Speaker, on July 22, 2003, I introduced an amendment to provide congressional support for the current U.S. Patent and Trademark Office (USPTO) policy and practice against approving patent claims directed to human organisms, including human embryos and human fetuses. The House of Representatives approved the amendment without objection on July 22, 2003, as section 801 of the Fiscal Year 2004 Commerce/Justice/State Appropriations Bill. The amendment, now included in the Omnibus appropriations bill as section 634 of H.R. 2673, reads as follows: ''None of the funds appropriated or otherwise made available

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 pulripotent 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 parthenogensis; 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. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. VISCLOSKY. 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

H.R. 1540, Rollcall Vote No. 341, had I been present I would have voted "yes."

On Agreeing to the Resolution, H. Res. 276, Providing for further consideration of H.R. 1540, Rollcall Vote No. 342, had I been present I would have voted "yes."

On the amendment of Ms. WOOLSEY of California, Amendment No. 2 to H.R. 1540, Rollcall Vote No. 343, had I been present I would have voted "no."

On the amendment of Mr. HUNTER of California, Amendment. No. 12 to H.R. 1540, Rollcall Vote No. 344, had I been present I would have voted "no."

On the amendment of Mr. SARBANES of Maryland, Amendment No. 24 to H.R. 1540, Rollcall Vote No. 345, had I been present I would have voted "no."

On the amendment of Mr. MURPHY of Connecticut, Amendment No. 25 to H.R. 1540, Rollcall Vote No. 346, had I been present I would have voted "no."

On the amendment of Mr. COLE of Oklahoma, Amendment No. 27 to H.R. 1540, Rollcall Vote No. 347, had I been present I would have voted "yes."

On the amendment of Mr. GARAMENDI of California, Amendment No. 28 to H.R. 1540, Rollcall Vote No. 348, had I been present I would have voted "no."

On the amendment of Ms. MALONEY of New York, Amendment No. 26 to H.R. 1540, Rollcall Vote No. 349, had I been present I would have voted "no."

On the amendment of Mr. HIMES of Connecticut, Amendment No. 30 to H.R. 1540, Rollcall Vote No. 350, had I been present I would have voted "no."

On the amendment of Ms. JACKSON LEE of Texas, Amendment No. 31 to H.R. 1540, Rollcall Vote No. 351, had I been present I would have voted "no."

On the amendment of Mr. ANDREWS of New Jersey, Amendment No. 32 to H.R. 1540, Rollcall Vote No. 352, had I been present I would have voted "no."

On the amendment of Mr. RICHMOND of Louisiana, Amendment No. 37 to H.R. 1540, Rollcall Vote No. 353, had I been present I would have voted "no."

On the amendment of Mr. MICA of Florida, Amendment No. 38 to H.R. 1540, Rollcall Vote No. 354, had I been present I would have voted "yes."

On the amendment of Mr. FLAKE of Arizona, Amendment No. 40 to H.R. 1540, Rollcall Vote No. 355, had I been present I would have voted "yes."

On the amendment of Mr. SMITH of Washington, Amendment No. 42 to H.R. 1540, Rollcall Vote No. 356, had I been present I would have voted "no."

On the amendment of Mr. BUCHANAN of Florida, Amendment No. 43 to H.R. 1540, Rollcall Vote No. 357, had I been present I would have voted "yes."

On the amendment of Ms. MALONEY of New York, Amendment No. 47 to H.R. 1540, Rollcall Vote No. 358, had I been present I would have voted "no."

On the amendment of Mr. MACK of Florida, Amendment No. 48 to H.R. 1540, Rollcall Vote No. 359, had I been present I would have voted "yes."

On the amendment of Mr. LANGEVIN of Rhode Island, Amendment No. 49 to H.R. 1540, Rollcall Vote No. 360, had I been present I would have voted "no."

On the amendment of Mr. AMASH of Michigan, Amendment No. 50 to H.R. 1540, Rollcall Vote No. 361, had I been present I would have voted "no."

On the amendment of Mr. CAMPBELL of California, Amendment No. 53 to H.R. 1540, Rollcall Vote No. 362, had I been present I would have voted "no."

On the amendment of Mr. CAMPBELL of California, Amendment No. 54 to H.R. 1540, Rollcall Vote No. 363, had I been present I would have voted "no."

On the amendment of Mr. CHAFFETZ of Utah, Amendment No. 56 to H.R. 1540, Rollcall Vote No. 364, had I been present I would have voted "no."

On the amendment of Mr. POLIS of Colorado, Amendment No. 60 to H.R. 1540, Rollcall Vote No. 365, had I been present I would have voted "no."

On the amendment of Mr. CONYERS of Michigan, Amendment No. 61 to H.R. 1540, Rollcall Vote No. 366, had I been present I would have voted "yes."

On the amendment of Mr. FLAKE of Arizona, Amendment No. 62 to H.R. 1540, Rollcall Vote No. 367, had I been present I would have voted "no."

On the amendment of Mr. ELLISON of Minnesota, Amendment No. 63 to H.R. 1540, Rollcall Vote No. 368, had I been present I would have voted "no."

On the amendment of Ms. LORETTA SANCHEZ of California, Amendment No. 64 to H.R. 1540, Rollcall Vote No. 369, had I been present I would have voted "no."

On the amendment of Ms. JACKSON LEE of Texas, Amendment No. 111 to H.R. 1540, Rollcall Vote No. 370, had I been present I would have voted "yes."

On the amendment of Mr. TURNER of Ohio, Amendment No. 148 to H.R. 1540, Rollcall Vote No. 371, had I been present I would have voted "yes."

On the amendment of Mr. CRAVAACK of Minnesota, Amendment No. 152 to H.R. 1540, Rollcall Vote No. 372, had I been present I would have voted "yes."

On the amendment of Mr. MCGOVERN of Massachusetts, Amendment No. 55 to H.R. 1540, Rollcall Vote No. 373, had I been present I would have voted "no."

On Motion to Recommit with Instructions H.R. 1540, Rollcall Vote No. 374, had I been present I would have voted "no."

On Passage of H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, Rollcall Vote No. 375, had I been present I would have voted "yes."

On Motion to Concur in the Senate Amendment to the House Amendment, S. 990, the Small Business Additional Temporary Extension Act of 2011, Rollcall Vote No. 376, had I been present I would have voted "yes."

AMERICA INVENTS ACT

SPEECH OF

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. SMITH of Texas. Madam Chair, I submit: (1) Manager's Statement on Supplemental Examination; (2) Manager's Statement on Genetic Test Study proposed in the Managers; (3) Statement on the codification of the Weldon amendment; (4) Statement on the business method patent transitional program; (5) Statement on the PTO fee compromise provision in the Manager's amendment; (6) November 2003 letter on the Weldon amendment from PTO Director James Rogan; (7) Information on the Weldon amendment from the Family Research Council.

CHAIRMAN'S FLOOR REMARKS/MANAGER'S STATEMENT: SUPPLEMENTAL EXAMINATION IN H.R. 1249

Mr. Speaker, this bill also contains a very important new administrative proceeding available to patent owners, to help improve the quality of issued patents. This new ''Supplemental Examination'' procedure encourages the voluntary and proactive disclosure of information that may be relevant to patent prosecution for the Office to consider, reconsider, or correct. The voluntary disclosure by patentees serves to strengthen valid patents, while narrowing or eliminating patents or claims that should not have been issued. Both of these outcomes promote investment in innovation by removing uncertainty about the scope, validity or enforceability of patents, and thus the use of this new proceeding by patent owners is to be encouraged.

Subparagraph (C) relating to Supplemental Examination is intended to address the circumstance where, during the course of a supplemental examination or reexamination proceeding ordered under this section, a court or administrative agency advises the PTO that it has made a determination that a fraud on the Office may have been committed in connection with the patent that is the subject of the supplemental examination. In such a circumstance, subparagraph (C) provides that, in addition to any other actions the Director is authorized to take, including the cancellation of any claims found to be invalid under section 307 as a result of the reexamination ordered under this section, the Director shall also refer the matter to the Attorney General. As such, this provision is not intended to impose any obligation on the PTO beyond those it already undertakes, or require it to investigate or prosecute any such potential fraud. Subparagraph (C) is neither an investigative nor an adjudicative provision, and, as such, is not intended to expand the authority or obligation of the PTO to investigate or adjudicate allegations of fraud lodged by private parties.

Further, any referral under this subjection is not meant to relieve the Director from his obligation to conclude the supplemental examination or reexamination proceeding ordered under this section. It is important for the process to proceed through conclusion of reexamination, so that any claims that are invalid can be properly cancelled.

The decision to make referrals under subsection (c) is not meant to be delegated to examiners or other agents of the PTO, but rather is a determination that should only be made by the Director himself or herself.

Supplemental Examination has the potential to play a powerful role in improving patent quality and boosting investment in innovation, economic growth, and job creation. The Director should implement this new authority in a way that maximizes this potential.

GENETIC TEST STUDY IN MANAGER'S AMENDMENT (DWS)

Mr. Speaker, Section 27 of H.R. 1249 requires the Director of the U.S. Patent and Trademark Office to conduct a study on the availability of confirmatory genetic diagnostic testing services in the domestic market, and whether changes to existing patent law are necessary to promote such availability more effectively. Consistent with current law, the genetic inventions that form the basis for such diagnostic tests are eligible for patenting, and may be exclusively licensed by such patent holders for genetic diagnostic purposes.

This study is intended to provide unbiased, reliable, and empirical information about the existing availability of independent confirmatory genetic diagnostic testing services, as well as patient demand for such testing services, in situations where genetic diagnostic tests are indeed patented and exclusively licensed. Nothing in this section shall be construed as undermining existing patent law in this regard.

This study is intended to include, but is not limited to, several specific aspects of this issue. Paragraph (1) of subsection (b) requires an assessment of whether the existing level of availability of confirmatory genetic diagnostic testing has an impact on the ability of medical professionals to provide the appropriate standard of medical care to recipients of genetic diagnostic testing, and includes an assessment of the role that patents play in innovation, quality of services, and investment in the genetic diagnostic marketplace. The assessment required by this paragraph also should include empirical information about the extent to which patents have actually been enforced or asserted against the unauthorized practice of confirmatory genetic diagnostic tests, and a comparison of the availability of and demand for confirmatory testing in situations where genetic tests are not patented or are non-exclusively licensed. Paragraph (2) requires the Director to assess the effects of independent, unauthorized confirmatory genetic testing on patent holders or exclusively licensed test providers. The Committee urges the Director to include in this assessment the possible effects of allowing confirmatory testing on authorized providers of non-exclusively licensed genetic diagnostic tests as well, given that such authorized providers may already provide confirmatory testing services. Paragraph (3) requires an evaluation of the impact of patents and exclusive licensing of genetic diagnostic tests on the practice of medicine, including, but not limited to, the ability of medical professionals to interpret test results, and the ability of licensed or unlicensed test providers to provide confirmatory genetic diagnostic tests. The Director's assessment should also include information on the frequency at which confirmatory genetic diagnostic testing currently is performed by medical professionals in instances where an absence of patent protection or non-exclusive licensing permits multiple independent test providers. Paragraph (4) requires an assessment of the role that cost and insurance coverage have on access to and provision of confirmatory genetic diagnostic tests today, whether patented or not or exclusively licensed or not, and should include an assessment of whether private and public payors cover such costs and are likely to cover the costs of any expansion of confirmatory testing.''

Additional Legislative History for the Second Opinion Confirmation Test Study in Managers (H.R. 1249): Additional Information for the Record:

''Section 27 requires USPTO to conduct a study on the impact that a lack of independent second opinion testing has on providing medical care to patients and recipients of genetic diagnostic testing, the effect that providing such tests would have on patent holders of exclusive genetic tests, the impact the current exclusive licensing and patents on genetic testing activity has on the practice of medicine, and the role that cost and insurance coverage have on access to genetic diagnostic tests. Nothing in Section 27 shall be construed to reflect any expression by the Congress with respect to the patentability or non-patentability of genetic material or with respect to the validity or invalidity of patents on genetic material.''

THE WELDON AMENDMENT

''None of the funds appropriated or otherwise made available by this act may be used to issue patents on claims directed to or encompassing a human organism.''

Legislative History:

The legislation prohibits the use of appropriated funds by the Patent and Trademark Office to issue certain types of claims presented in patent applications. The types of patent claims subject to the prohibition are limited precisely to those that the Patent and Trademark Office, pursuant to its policies, has indicated may not be granted (see M.P.E.P 1st rev. 2105). Specifically, this section operates to prohibit the use of appropriated funds to issue a patent containing claim that encompasses a human individual.

The Committee recognizes that the economic viability of the biotechnology industry requires that patents be available for the full spectrum of innovation that may be subject to commercialization. The legislation, accordingly does not limit patent eligibility for any type of biotechnology invention that may be commercialized in the United States. The Committee also recognizes that continued innovation in the biomedical and biotechnological fields will lead to new kinds of inventions, and it expects that the overwhelming majority of such inventions will not raise any of the concerns that the present legislation addresses. In particular, nothing in this section should be construed to limit the ability of the PTO to issue a patent containing claims directed to or encompassing:

1. any chemical compound or composition, whether obtained from animals or human beings or produced synthetically, and whether identical to or distinct from a chemical structure as found in an animal or human being, including but not limited to nucleic acids, polypeptides, proteins, antibodies and hormones;

2. cells, tissue, organs or other bodily components produced through human intervention, whether obtained from animals, human beings, or other sources; including but not limited to stem cells, stem cell derived tissues, stem cell lines, and viable synthetic organs;

3. methods for creating, modifying, or treating human organisms, including but not limited to methods for creating embryos through in vitro fertilization, methods of somatic cell nuclear transfer, medical or genetic therapies, methods for enhancing fertility, and methods for implanting embryos;

4. a nonhuman organism incorporating one or more genes taken from a human organism, including but not limited to a transgenic plant or animal, or animal models used for scientific research.

As the legislation addresses only the authority of the PTO to expend funds appropriated by this Act, it concerns patents that may issue on applications filed on or after the date of the legislation. The legislation does not create a claim or give rise to any cause of action to limit the rights associated with, or the enforceability of any patent duly granted by the PTO.

SECTION 18 (H.R. 1249)—BUSINESS METHOD PATENT TRANSITIONAL PROGRAM

The proceeding would create a cheap and speedy alternative to litigation—allowing parties to resolve these disputes rather than spend millions of dollars that litigation now costs. In the process, the proceeding would also prevent nuisance or extortion litigation settlements.

Business methods were generally not patentable in the United States before the late 1990s, and generally are not patentable elsewhere in the world, but the Federal Circuit (in what was an activist decision) created a new class of patents in its 1998 State Street decision.

In its 2010 decision in Bilski v. Kapoos, the U.S. Supreme Court clamped down on the patenting of business methods and other patents of poor quality.

It is likely that most if not all the business method patents that were issued after State Street are now invalid under Bilski. There is no sense in allowing expensive litigation over patents that are no longer valid.

This provision is strongly supported by community banks, credit unions and other institutions that are an important source of lending to homeowners and small businesses. Money spent litigating over invalid business-method patents, or paying nuisance settlements, cannot be loaned to Americans to purchase new homes and start new businesses.

Resolving the validity of these patents in civil litigation typically costs about $5-to-$10 million per patent. Resolving the validity of these patents through the bill's administrative proceeding costs much less.

Moreover, the proceeding allows business-method patents to be reviewed by the experts at the Patent Office under the correct (Bilski) standard.

To use this proceeding, a challenger must make an up-front showing to the PTO of evidence that the business-method patent is more likely than not invalid. This is a high standard. Only the worst patents, which probably never should have been issued, will be eligible for review in this proceeding.

Additionally any argument about this provision and Constitutionality is simply a red herring. Congress has the authority to create administrative proceedings to review the validity of existing patents. We have done it before and we will be doing it in the future.

This issue has been litigated and rejected by the courts, when Congress created ex parte reexam in 1980. Ex parte reexam was applied to all existing patents when that system was created. In Patlex Corp. v. Mossinghoff, the Federal Circuit rejected the argument that applying a new system of administrative review to existing patents is a taking. The same logic applies to this provision.

Never in the history of U.S. patent law has it been held, after a patent claim was determined to be invalid because it covered unprotectable subject matter, that the owner of the patent was nevertheless entitled to compensation on the basis of that invalid claim.

This section only creates a new mechanism for reviewing the validity of business-method patents. It does not alter the substantive law governing the validity of those patents. Under settled precedent, the transitional review program is absolutely constitutional.

It is wrong and offensive for this provision to be referred to as a bail-out. The program does not give one cent to any private party and the costs of the proceeding are required to be fully recouped through the fee charged

for initiating the proceeding. It is a necessary program to allow the PTO to fix mistakes that occurred in light of an activist judicial decision in the 1998 State Street decision that created this new patentable subject matter without Congress' approval.

This bill will provide the patent office with a fast, precise vehicle to review low quality business method patents, which the Supreme Court has acknowledged are often abstract and overly broad.

And it bears repeating that defendants cannot even start this program unless they can persuade a panel of judges at the outset of the proceeding that it is more likely than not that the patent is invalid. This is a high threshold, which requires the challenger to present his best evidence and arguments at the outset. Very few patents that undergo this review are likely to be valid patents.

Specifically, the bill's provision applies to patents that describe a series of steps used to conduct every day business applications in the financial products and retail service space. These are patents that can be and have been asserted against all types of businesses—from community banks and credit unions to retailers like Walmart, Bed Bath & Beyond, Best Buy, J.C. Penney, Staples and Office Max to other companies like Dr. Pepper Snapple Group, UPS, Hilton, AT&T, Facebook, Frito-Lay, Google, Marriott, Walt Disney, Delta Airlines and YouTube.

This provision is not tied to one industry or sector of the economy—it affects everyone. For example, this program would allow the Patent Office to decide whether to review patents for business methods related to:

Printing ads at the bottom of billing statements

Buying something online and picking it up in the store

Re-ordering checks online

Converting a IRA to a Roth IRA

Getting a text message when you use your credit card

Those who argue that this provision is a Wall Street bailout are just plain wrong. This is about questionable patents and the frivolous litigation that results from them. This provision is important legal reform, supported by the U.S. Chamber of Commerce and is important for American job creators.

PTO FEE DIVERSION COMPROMISE (H.R. 1249 MANAGERS)

By giving USPTO access to all its funds, the Manager's Amendment supports the USPTO's efforts to improve patent quality and reduce the backlog of patent applications. To carry out the new mandates of the legislation and reduce delays in the patent application process, the USPTO must be able to use all the fees it collects.

The language in the Manager's Amendment reflects the intent of the Judiciary Committee, the Appropriations Committee, and House leadership to end fee diversion. USPTO is 100% funded by fees paid by inventors and trademark filers who are entitled to receive the services they are paying for. The language makes clear the intention not only to appropriate to the USPTO at least the level requested for the fiscal year but also to appropriate to the USPTO any fees collected in excess of such appropriation.

Providing USPTO access to all fees collected means providing access at all points during that year, including in case of a continuing resolution. Access also means that reprogramming requests will be acted on within a reasonable time period and on a reasonable basis. It means that future appropriations will continue to use language that guarantees USPTO access to all of its fee collections.

UNITED STATES PATENT AND TRADEMARK OFFICE, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE,

Alexandria, VA.

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 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.

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 understanding 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.

FRCACTION,

FAMILY RESEARCH COUNCIL.

CODIFY THE WELDON BAN ON PATENTING HUMANS

CURRENT WELDON PATENT BAN ON HUMANS

The Weldon Amendment is contained in the annual Commerce, Justice and Science Appropriations bills (CJS) and prevents the patenting of humans. Congress has passed it each year since 2004, and it was included most recently as part of the FY2010 Omnibus (Section 518, Title V, Division B, of the FY2010 Consolidated Appropriations Act, 2010 (H.R. 3288, P.L. 111–117)) and extended by the FY2011 Omnibus spending bill (Department of Defense and Full-Year Continuing Appropriations Act, 2011 (H.R. 1473, P.L. 112–10)).

Weldon Amendment, Section 518: ''None of the friends appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.''

CODIFY THE WELDON AMENDMENT—ADD IT TO PATENT REFORM LEGISLATION

Congress has each year since 2004 passed the Weldon Amendment to prevent any profiting from patents on humans. The Weldon Amendment restricts funds under the Commerce, Justice, Science Appropriations bill from being used by the U.S. Patent and Trademark Office (USPTO) to issue patents directed to ''human organisms.''

The America Invents Act (H.R. 1249) may authorize the USPTO to pay for the issuance of patents with ''user fees'' instead of with Congressionally appropriated funds. If this funding mechanism becomes law, the Weldon Amendment restriction would not apply since it only covers funds appropriated under the CJS bill. The USPTO could, thereby, issue patents directed to human beings with non-appropriated funds.

Patenting human beings at any stage of development would overturn the long-standing USPTO policy against issuing such patents. As the Quigg Memo stated in 1987 (see below) a grant of a property right in a human being is unconstitutional, and patents on humans are grounds for rejection.

The Weldon restriction can be codified by adding a provision to the America Invents Act to ensure that human beings are not patentable subject matter.

Codifying a ban on patenting of humans would not violate international obligations under the TRIPs agreement with the WTO. The European Union prevents patents on human embryos on the ground that doing so would violate the public order and morality, an exception the TRIPs agreement specifically allows under Article 27, Section 5.

WHAT THE WELDON PATENT AMENDMENT DOES AND DOES NOT AFFECT

The Weldon Amendment does prevent the USPTO from patenting humans at any stage of development, including embryos or fetuses, by preventing patents on claims directed to ''human organisms.''

The Weldon Amendment's use of the term ''human organism'' does include human embryos, human fetuses, human-animal chimeras, ''she-male'' human embryos, or human embryos created with genetic material from more than one embryo.

The Weldon Amendment's use of ''human organism'' does not include the process of creating human embryos, such as human cloning, nor does it include non-human organisms, e.g., animals.

Then Undersecretary James Rogan wrote to Senate Appropriators on November 20, 2003 stating that the Weldon Amendment gave congressional backing to long-standing USPTO policy against patenting humans stating:

''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.''

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 parthenogensis; 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 am 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 nonhuman 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 'nonhuman' 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 s patent application directed to a human/nonhuman chimera. USPTO claimed that patents ''inventions directed to human/nonhuman 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 nonstatutory 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, Ex-officio Chandrakant (C.K.) Patel, and President Fred Schwartz. I was accompanied by Second Congressional District Communications Director Neal Patel of Nichols, S.C. Representing 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.

Carmel's residents are still tied to their roots; descendents of the early settlers continue to live throughout the town. Today, Carmel continues to push ahead through new challenges. The town boasts nearly 2,800 residents, a far cry from its founding. While the two dozen school houses that were a fixture of the community have been replaced with homes, businesses and the Simpson Memorial Library, Carmel continues to look toward the future with a sense of possibility.

Mr. Speaker, please join me in recognizing the town of Carmel, Maine on its 200th birthday.

RECOGNIZING THE PEOPLE OF HUNGARY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize the people of Hungary whose longstanding commitment to freedom is a testament to the world that freedom and democracy are attainable goals for all people. As Americans, we celebrate with the people of Hungary as they unveil a statue of Ronald Reagan to commemorate his centennial birthday. Hungary is one of America's greatest allies and it warms my heart to know that they rejoice with us in the memory of this hero of freedom.

The U.S.-Hungarian friendship is one of our oldest and most enduring. Throughout this relationship, many Hungarians have also stood for the cause of liberty and are worthy of our recognition here in the House of Representatives.

A Hungarian by the name of Michael Kovats de Fabriczy volunteered his services to Benjamin Franklin, then the American Ambassador in Paris, during the Revolutionary War. This Hungarian patriot, who was essential in creating America's first cavalry unit, was killed in battle near Charleston, South Carolina. Soon after Fabriczy's death Americans gained their independence; unfortunately, freedom for Hungary and her people would require a much longer fight.

A bust of Lajos Kossuth, a politician and journalist who fought for freedom in the 1848 Hungarian Revolution, sits in a vestibule just outside of the crypt of this building. Exiled from Hungary, Kossuth came to America and became just the second foreigner to address a joint session of the United States Congress. An inspiring speaker, Kossuth then traveled across the United States to promote the principle of democratic government.

Nearly two hundred years after our own revolution, in 1956, the people of Hungary rose up against communist rule and succeeded in toppling the government before being crushed by Soviet troops. In the face of that defeat, the courageous people of Hungary continued their fight. Victory came in 1989, when Hungary opened its border with the West. Hungary then became the first of the former Soviet bloc countries to transition to a Western-style parliamentary democracy, holding its first free parliamentary elections in 1990.

In the last twenty years Hungarians have embraced their freedom. The country privatized its economy, adopted free-market principles and joined both the International Monetary Fund and the World Bank. In 1999, Hungary acceded to the North Atlantic Treaty Organization and formally became a military ally of the United States. In 2004, Hungary acceded to the European Union and for the first six months of this year Hungary held the rotating presidency of the EU Council.

In the past three decades, the United States, home to more than 1.5 million Hungarian-Americans, offered Hungary assistance and expertise as the country established a constitutional, democratic political system, and a free market economy. The United States Government provided expert and financial assistance for the development of modern western institutions in Hungary, including those responsible for national security, law enforcement, free media, environmental regulations, education, and health care.

With the Iron Curtain lifted, the Support for East European Democracy Act provided more than $136 Million for economic restructuring while the Hungarian-American Enterprise Fund offered loans, equity capital, and technical assistance to promote private-sector development. Most importantly, direct investment from the United States has had a positive impact on the Hungarian economy.

The progress of freedom within Hungary has also allowed Hungary to support freedom around the globe. Hungary played a critical role in implementing the Dayton Peace Accords in the Balkans by allowing its airbase at Taszár to be used by coalition forces transiting the region. This support has continued, in 2008, the Hungarian military took command of a joint battalion in the Balkans that operates in support of NATO missions in the region.

In 2003, Hungary helped the coalition in Iraq by deploying a 300-strong battalion as part of the Multi-National Force, and by allowing the Taszár airbase again to be used in training the Free Iraqi Forces. In Afghanistan, Hungary leads a Provincial Reconstruction Team and has deployed an Operational Mentoring and Liaison Team, which works in partnership with the Ohio National Guard and other United States military personnel. Perhaps most importantly, Hungary's Pápa Airbase is the home to the C–17 operations of the Multinational Strategic Airlift Consortium which supports the International Security Assistance Force in Afghanistan, as well as various U.S., EU and NATO peacekeeping and humanitarian operations around the world.

The Hungarian people's longstanding commitment to freedom has allowed Hungary to become a key American ally and an important strategic partner in Europe. Our common commitment to freedom is based on our common belief in the values of democracy, rule of law, diversity, tolerance, and social mobility. I call on all Hungarians and Americans to continue to uphold these values as our countries continue to work closely to advance freedom across the globe.

HONORING REAR ADMIRAL KENNETH J. BRAITHWAITE, II

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. MEEHAN. Mr. Speaker, On behalf of myself and my colleagues in the Pennsylvania delegation (Mrs. SCHWARTZ, Mr. KELLY, Mr. BRADY, Mr. MURPHY, Mr. SHUSTER, Mr. HOLDEN, Mr. MARINO, Mr. THOMPSON, Mr. PITTS, Mr. ALTMIRE, Mr. GERLACH, Mr. FITZPATRICK, Mr. BARLETTA, Mr. FATTAH, Mr. CRITZ, Mr. DOYLE, Mr. DENT, Mr. PLATTS), I would like the following statement submitted for the record. I rise today to honor Rear Admiral Kenneth J. Braithwaite, II.

On June 3, 2011, at the United States Naval Academy, the U.S. Navy celebrated the retirement of a long standing flag officer, Rear Admiral Kenneth J. Braithwaite, II. Rear Admiral Braithwaite served his country for over 25 years. Prior to his retirement, the Navy's Vice Chief of Information served as the principal Navy Reserve liaison and advisor to the Chief of Information having responsibility for formulating strategic communications counsel to the leadership of the Department of the Navy. Concurrently, he served as the head of the Navy Reserve (NR) Public Affairs program and as an adjunct advisor to the Commander, Navy Reserve Force.

A 1984 graduate of the United States Naval Academy, Braithwaite was designated a naval aviator in April 1986. His first operational assignment was to Patrol Squadron 17, NAS Barbers Point, Hawaii. He flew anti-submarine missions tracking adversary submarines throughout the Western Pacific and Indian Ocean regions.

In April 1988, Braithwaite was selected for redesignation as a public affairs officer (PAO) with his initial tour aboard the aircraft carrier *USS America* (CV–66). He had additional duty as a PAO to Commander Carrier Group 2 and Commander, Striking Force 6th Fleet. He made both a North Atlantic Treaty Organization (NATO) Force deployment to the North Atlantic operating above the Arctic Circle and a Mediterranean/Indian Ocean cruise where the battle group responded to tensions in the Persian Gulf. In 1990, he was assigned to the staff of the Commander, Naval Base Philadelphia as chief of Public Affairs.

Braithwaite left active duty in 1993 and immediately resumed naval service in the reserve where he served with numerous commands from Boston to Norfolk. Additionally during this time he earned a master's degree in Government Administration in April 1995 with honors from the University of Pennsylvania.

In October 2001, Braithwaite assumed command of NR Fleet Combat Camera Atlantic at Naval Air Station, Willow Grove, Pa. During this tour the command was tasked with providing support to the Joint Task Force (JTF) Commander, Guantanamo Bay, Cuba. In March 2003 Braithwaite deployed for Operation Iraqi Freedom with a portion of his command in support of naval operations to capture the port of Umm Qasr. Following this tour he served as commanding officer of Navy Office of Information New York 102.

Most recently Braithwaite served as Commander, Joint Public Affairs Support Element-Reserve (JPASE–R) from October of 2004 to October 2007. In this role he commanded a 50-person joint public affairs expeditionary unit that was forward deployed to support Joint Combatant Commanders in time of conflict. While in command and following the devastating earthquake in Pakistan in 2005, Braithwaite was deployed to Pakistan as part

of the Joint Task Force for Disaster Assistance serving as the director of Strategic Communications working for both the JTF Commander and the U.S. Ambassador in Islamabad.

His decorations include the Defense Meritorious Service Medal (with oak leaf cluster), Meritorious Service Medal, Navy Commendation Medal (5) with Combat ''V'', Navy Achievement Medal, Combat Action Ribbon and numerous campaign and service medals. In his civilian career, Braithwaite is senior vice president, Hospital and Healthsystem Association of Pennsylvania where he leads the Delaware Valley Healthcare Council in Philadelphia.

His commitment to the Navy and our Nation would not have been possible without the support and love of his family, especially his wife Melissa, his daughter, Grace and his son, Harrison.

We commend and thank Rear Admiral Braithwaite for his relentless and selfless dedication to serving our country with honor and distinction.

JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity:

Mr. VAN HOLLEN. Madam Chair, I rise in strong opposition to the Jobs and Permitting Act.

This legislation has nothing to do with lowering the price of gasoline—and even less to do with jobs. Instead, H.R. 2021 simply proposes to exempt significant offshore drilling activities from the Clean Air Act while eliminating or truncating appropriate permit review. Additionally, contrary to proponents' focus on Alaska, today's legislation threatens onshore air quality up and down the east and west coasts, including my home state of Maryland.

Madam Chair, the current majority is somehow under the impression that you can't have jobs unless you have dirty air. The forty year history of the Clean Air Act proves beyond a shadow of a doubt that this simply isn't true. Rather than rolling back the clock on our environmental laws, we should be accelerating the deployment of clean energy technologies that will create jobs, grow our economy and make our nation more secure.

UKRAINE'S DEMOCRATIC REVERSALS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. SMITH of New Jersey. Mr. Speaker, I rise to express my deep concern about the deterioration of democracy in Ukraine over the past 16 months, and the current Ukrainian leadership's use of politically motivated selective prosecution to harass high-ranking officials from the previous government. The country's once-promising democratic future is in jeopardy. While we face many serious challenges in every region of the world today, nonetheless it is imperative that Washington focus attention on what is happening in Ukraine—especially given that country's vital role in the region.

As a long-time member and current Chairman of the Helsinki Commission, I have followed and spoken out on developments in Ukraine since the early 1980's, when the rights of the Ukrainian people were completely denied and any brave soul who advocated for freedom was brutally persecuted.

Mr. Speaker, for nearly two decades, independent Ukraine has been moving away from its communist past while establishing itself as an important partner to the United States. Both the executive branch and Congress, on a bipartisan basis, have provided strong political support and concrete assistance for Ukraine's independence and facilitated Ukraine's post-Communist transition. In the wake of the 2004 Orange Revolution, Ukraine even became a beacon of hope for other post-Soviet countries, earning the designation of ''Free'' from Freedom House—the only country among the 12 non-Baltic former Soviet republics to earn such a ranking. And while many of the promises of that revolution have sadly gone unfulfilled, one of its successes had been Ukraine's rise from ''Partly Free'' to ''Free,'' reflecting genuine improvements in human rights and democratic practices.

Under President Viktor Yanukovych, elected in February 2010, this promising legacy may vanish. Today we see backsliding on many fronts, which threatens to return Ukraine to authoritarianism and jeopardizes its independence from Russia. Among the most worrisome of these trends are: consolidation of power in the presidency which has weakened checks and balances; backpedaling with respect to freedom of expression and assembly; various forms of pressure on the media and civil society groups; attempts to curtail academic freedom and that of institutions and activists who peacefully promote the Ukrainian national identity; and seriously flawed local elections. Meanwhile, endemic corruption—arguably the greatest and most persistent threat to Ukrainian democracy and sovereignty—as well as the weak rule of law and the lack of an independent judiciary, which were not seriously addressed by the Orange governments, have only become more pronounced under the current regime.

Moreover, in recent months, we have seen intensified pressure on opposition leaders, even selective prosecutions of high-ranking members of the previous government. The vast majority of observers both within and outside Ukraine see these cases, which have targeted former Prime Minister Yuliya Tymoshenko and former Interior Minister Yuriy Lutsenko among others, as politically motivated acts of revenge which aim to remove possible contenders from the political scene, especially in the run-up to next year's parliamentary elections.

Mr. Speaker, the Helsinki Commission has closely monitored these troubling trends as have the U.S., other Western governments, and the European Parliament and Council of Europe. Unfortunately, the Ukrainian authorities have largely downplayed concerns voiced by the European Union, which they aspire to join someday, and by the United States, with which Kyiv professes to seek better relations.

The U.S. also desires enhanced bilateral ties. Yet, moving in the wrong direction on human rights, democracy and the rule of law decidedly works against strengthening U.S.-Ukrainian relations. More importantly, the erosion of hard-won democratic freedoms weakens Ukraine's independence and harms the people of Ukraine, who have endured a painful history as a captive nation over the course of the last century. Indeed, as Ukraine this week marks the 70th anniversary of the brutal Nazi invasion, we mourn the loss of life and untold human suffering of that horrific war.

Against this backdrop of devastation wreaked by totalitarian regimes in the 20th century, Ukrainians deserve to have the promise of democracy made possible by their independence fully realized.

A few days ago, President Yanukovych said that he would take into account the criticisms in Freedom House's recent ''Sounding the Alarm: Protecting Democracy in Ukraine'' report. His promise is encouraging, but words alone are not enough. All friends of Ukraine should measure his words by actual and meaningful changes that improve the state of democracy and human rights for the Ukrainian people.

INTRODUCTION OF CENTER TO ADVANCE, MONITOR, AND PRESERVE UNIVERSITY SECURITY SAFETY ACT OF 2011

HON. ROBERT C. ''BOBBY'' SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. SCOTT of Virginia. Mr. Speaker, today I rise to introduce the Center to Advance, Monitor and Preserve University Security (''CAMPUS'') Safety Act of 2011. This legislation passed the House in both the 110th and 111th Congresses and I hope to get it signed into law in the 112th Congress. The purpose of the legislation is to enable our institutions of higher education to more easily obtain the best information available on how to keep our campuses safe and how to respond in the event of a campus emergency. The bill creates a National Center for Campus Public Safety (''Center''), which will be administered through the Department of Justice. The Center is designed to train campus public safety agencies in state of the art practices to assure campus safety, encourage research to strengthen college safety and security, and serve as a clearinghouse for the dissemination of relevant campus public safety information. The Director of the Center will have authority to award grants to institutions of higher learning to help them meet their enhanced public safety goals.

Over the past few years we have seen numerous tragedies occur at colleges and universities, including the disastrous events that occurred at Virginia Tech and Northern Illinois University. Unfortunately, because these events were the first of their kind for the nation, our schools had not developed knowledge on how best to prevent such tragedies or on how to respond in their aftermath. While

there is growing awareness that such threats are possible anywhere, many schools still have not developed safety protocols that would prepare them to maximize the prospects of preventing such tragedies or to effectively respond to them should they occur despite sound prevention efforts. The recent shooting at Old Dominion University is an unfortunate reminder of the need for this legislation.

Our nation's colleges and universities play a large role in the development of our next generation of leaders and we should assist them in their efforts to keep our campuses and our students safe. The Clery Act already requires schools to have safety plans in order to participate in the Title IV deferral student aid programs, however, currently there is no one place for schools to obtain reliable and useful information. It makes little sense to require the thousands of institutions of higher education to individually go through the cost and effort to develop comprehensive plans. Instead, they ought to be able to obtain guidance and assistance, including best practices, from a ''one stop shop'' like the Center.

The CAMPUS Safety Act will help institutions of higher learning understand how to prevent such tragedies from occurring, and how to respond immediately and effectively in case they do.

I urge my colleagues to cosponsor and support this important legislation to ensure that our institutions of higher education have access to the information necessary to keep their schools safe.

HONORING THEODORE C. MAX, M.D., WITH THE PRESTIGIOUS ROSAMOND CHILDS AWARD FOR COMMUNITY PHILANTHROPY

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 Theodore C. Max, M.D. Theodore C. Max recently received the honor of the prestigious Rosamond Childs Award for Philanthropy, presented by the Community Foundation of Herkimer and Oneida Counties, Inc.

Theodore C. Max has held a strong presence as a leading surgeon in the Utica area for more than 30 years. The author of numerous publications, he has presented at conferences across the country, and has been acknowledged in Who's Who in Medicine and Healthcare, and Who's Who in the World. A University of Rochester graduate and celebrated local physician, Theodore C. Max has received numerous awards, both for his professional and personal contributions to our society.

The Rosamond Childs Award for Community Philanthropy is awarded to individuals displaying an inspirational spirit of generosity and compassion. Theodore C. Max, M.D., exemplifies these values and his legacy is sure to leave a positive impact on generations to come. Community figures such as Theodore C. Max, M.D., must be recognized for the dedication and selflessness they display for their communities.

Mr. Speaker, I proudly ask you to join me in honoring Theodore C. Max, M.D., for his generosity and commitment to our community and the world.

HONORING SHERIDAN LEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KILDEE. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to Sheridan Lee of my district who died on June 9, 2011. We have lost a strong and vigorous supporter of human dignity and justice.

A lifelong resident of Genesee County, Sheridan spent 3 years in the Marine Corps. He returned to Flint and worked in the banking industry for 35 years, retiring from Bank One as Vice President of Commercial Loans. His first hand experience as the owner of the Hale Hat Shop helped him understand the struggles small businesses faced and he was very proud that he was able to help so many businesses in Flint.

For over 45 years, Sheridan was an uncompromising advocate for a better nation. While Sheridan was active in Michigan politics before 1968 his true leadership shined at the 1968 Congressional District Convention when as the Vice-Chair of the New Democratic Coalition he gathered a group that became known as the Kennedy-McCarthy Coalition and elected seven of the eight delegates to the National Democratic Convention, including myself. Sheridan was not satisfied with just saying or singing Kumbaya. He was not content with only sentimentalism. He was a persistent, tireless activist. Sheridan pursued justice unrelentingly. On October 14, 1969 Sheridan presided over the largest peace rally ever held in Flint, Michigan to protest the Vietnam war. Over 4000 citizens assembled at Wilson Park to express their anger over our nation's war policy. On that site today stands a statue of Gandhi, a monument to peace.

His political involvement was all encompassing. He was a great strategist and organizer but he contributed his physical labor to whatever was needed—from going door to door to assembling and distributing yard signs for the Kildee campaign and other Democrats. He helped drive dignitaries when they visited Flint including Secretary of Education Richard Riley during the 2000 campaign. As the former Treasurer of the Genesee County Democratic Party, Sheridan was recognized by the Michigan Democratic Party this year when they named him the Senior Citizen Volunteer of the Year at the annual Jeff-Jack Dinner. Indeed his telephone answering message gave no question as to his fervent political affiliation: ''Hello. You have reached the Lee residence, the home of good Democrats.''

In 2004, Sheridan and his wife, Maryion, formed the Progressive Caucus of the Genesee County Democratic Party. They started the Caucus to focus on educating the public about health care, the war, and other issues affecting the people of our country. They believe the public was getting a slanted view of issues and they decided to do something to correct it. They held numerous town hall meetings and seminars to give people an opportunity to express their views and hear a variety of opinions.

My wife, Gayle, and I appreciated their moral compass and enjoyed their warm friendship. We broke bread together and enjoyed visiting them at their farm home. Family was very important to Sheridan. His son, Lindsey, Lindsey's wife, Beth, and their 3 children Teddy, Marlin and Freya; son, Lynn, his husband, Steve, and their daughter Addison; and daughter, Megan, are all politically active. Sheridan was very proud that he inspired his children to carry on his work in their own communities.

All who have shared Sheridan's friendship are better people because of that. I know that I am a better congressman but more significantly a better human being because of Sheridan Lee and his talented wife, Maryion.

TRIBUTE TO PAUL M. DOWD AND THE NAMING OF THE BASEBALL FIELD AT WAHCONAH PARK IN PITTSFIELD, MASSACHUSETTS IN HIS HONOR

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. OLVER. Mr. Speaker, today I rise to pay tribute to Paul M. Dowd for his longtime service to the City of Pittsfield, Massachusetts, and whose name will hereinafter be associated with the historic baseball field at Wahconah Park in Pittsfield.

Mr. Dowd first came to Pittsfield in 1966 as a pitcher for the Pittsfield Red Sox—having been signed by that organization in 1964—from his home state of Michigan, where he also attended Ferris State College. He has been a full-time resident of Pittsfield for the past 35 years. During that time, he has generously dedicated his time to the community.

Thirty years ago, Mr. Dowd founded the Berkshire County Chapter of the Jimmy Fund and remains active as its president. He was elected to the Pittsfield City Council for six years, served in the United States Marine Reserves, coached Little League baseball, and is a member of the Knights of Columbus, Elks Lodge, and American Legion. Mr. Dowd is well known in the community for his selfless and thoughtful commitment to improving the quality of life for children afflicted with cancer.

In recognition of his magnanimous service to the community and its children, the Pittsfield City Council and the Pittsfield Park Commission voted unanimously to name the baseball field at Wahconah Park as the Paul M. Dowd Field. Because of his outstanding commitment to the welfare of Pittsfield's citizenry, Mr. Dowd is most deserving of this high honor.

AMERICA INVENTS ACT

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. MORAN. Madam Chair, I rise today to express my concerns about the Manager's

Amendment to the America Invents Act, H.R. 1249.

Specifically, I am troubled by language in the amendment that would weaken the ability of the U.S. Patent and Trademark Office to retain the fees it collects from inventors for use in improving the patent application process.

As reported by the Judiciary Committee, Section 22 of the underlying bill would establish a revolving fund at Treasury to collect all user fees from USPTO and restrict their use to only funding USPTO activities.

This section was necessary because Congress has habitually underfunded the Patent Office, siphoning more than $875 million over the past two decades from fees collected from inventors to fund other discretionary programs.

This fee diversion has severely hampered the ability of USPTO to promptly process patent applications, leading to a current backlog of 1.2 million applications and an average pendency time of 3 years.

This is entirely unacceptable and a direct result of our decision not to provide full funding to the USPTO. Delays in processing patent applications drive up the costs and risks for inventors, harm our nation's global competitiveness, and literally stall the creation of jobs.

While I appreciate the efforts of Director Kappos over the past two years to reduce this backlog, USPTO will not be fully successful in this goal unless they are provided with the proper resources...resources, remember, they collect from the users of Patent Office services.

That is why I have concerns about a provision in the manager's amendment that would undermine this dedicated funding source, instead leaving USPTO funding up to annual appropriations.

While the amendment creates a specific fund for USPTO fees and contains promises that this funding will be made available only for activities at the patent office, there is no guarantee this pledge will be honored in subsequent Congresses.

I am concerned this modified language does not give USPTO the predictability in funding and access to fees that are necessary to ensure it best serves the innovation community.

Now, I understand USPTO has reluctantly agreed to support this compromise language, and I therefore plan to support the Manager's Amendment.

But we cannot let jurisdictional concerns here in Congress undermine the efficient functioning of the patent process.

I encourage my colleagues to support the Manager's Amendment as a necessary compromise to move this legislation forward, but I plan to remain vigilant on this matter to ensure the promises made in this Manager's Amendment are kept and that USPTO has ready access to the fees it collects.

SHENANDOAH NATIONAL PARK RESOLUTION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce a resolution celebrating the 75th anniversary of the Shenandoah National Park.

The Shenandoah National Park is the crown jewel of Virginia's natural resources. Through the Shenandoah National Park, I believe that we have preserved a vast, beautiful piece of land for the enjoyment of American families. Additionally, Shenandoah National Park is an exemplary example of the efforts of the United States Government and the Commonwealth of Virginia in preserving our country's natural resources.

Shenandoah National Park has a rich history and showcases the conservation work of the Civilian Conservation Corps (CCC). The park has been committed to adhering to these principles of stewardship and conservation, and thus allowing the legacy of the CCC to inspire many generations of Americans.

Additionally, Shenandoah National Park is the home of Skyline Drive, one of America's treasured byways. Skyline Drive winds along the crest of the Blue Ridge Mountains for 105 miles in the Shenandoah National Park. The 75 overlooks along the route afford travelers extraordinary vistas of the Shenandoah Valley and the Piedmont region in Virginia. No other road in the northeast provides access to 80,000 acres of wilderness.

What the Park's visitors take away from their visit to Shenandoah National Park and their drive along Skyline Drive is that the hills and valleys are directly connected to the character and aesthetics of the Park and its neighboring cities, towns, and counties. By conservative estimates, Shenandoah National Park has a $70 million impact on the counties surrounding the park. The health of the Shenandoah's resources and the health of its neighbors will forever be entwined.

The 75th anniversary of the Shenandoah National Park is an important milestone. For 75 years the Shenandoah National Park has been a treasure for all Americans, but there are many stories waiting to be told. We must all be diligent to make sure that the Park's views and natural areas are around for tomorrow's visitors and for future generations to enjoy. I hope that we can continue to preserve the beauty of the Park, a world of beauty that can renew and bring peace to the spirit.

CONGRATULATIONS TO THE FULSHEAR GIRL SCOUTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. PAUL. Mr. Speaker, on July 2, the Girl Scouts of Fulshear, Texas, in my congressional district, will gather for the Fulshear Freedom Feast, where they will commemorate the upcoming centennial of the founding of the Girl Scouts of America. It is with great pleasure that I join the Fulshear Girl Scouts in celebrating the 100th anniversary of the Girl Scouts of America.

The Girl Scouts of America were established in Savannah, Georgia on March 16, 1912 in order to provide young woman with an organization that would help them reach their full potential. From the very start, Girls Scouts' programs emphasized community service, personal and spiritual growth, positive values, leadership, and teamwork. Today, over 23 million American girls participate in Girl Scout programs such as field trips, sports clinics, community service projects, cultural exchanges, and environmental initiatives. Perhaps the Girl Scouts' best-known project is the annual cookie sale, which not only raises funds for the Girl Scout's many projects, it helps girls across the national get practical business experience.

Participating in Girl Scouts helps young woman build confidence, develop new skills, learn about and explore career opportunities, help their communities, and make friendships that can last a lifetime. Therefore, Mr. Speaker, I encourage all my collages to join me in celebrating the Girls Scouts of America's centennial and in sending best wishes to the Fulshear Girl Scouts as they prepare for the Fulshear Freedom Feast.

AMERICA INVENTS ACT

SPEECH OF

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Ms. HIRONO. Madam Chair, I rise today in reluctant opposition to H.R. 1249, the America Invents Act.

In Hawaii, independent inventors and small businesses are at the forefront of the innovation that we need to strengthen our state's economic future. Year after year, small businesses have been responsible for the majority of net job growth nationwide. Congress must modernize and fully fund the U.S. Patent and Trademark Office (PTO) to address the massive application backlog that stifles innovation and job creation.

However, I have heard from independent inventors and small businesses in Hawaii who express grave concerns about H.R. 1249. This bill's shift to a "first inventor to file" system could create a "race to file," allowing large corporations to use early and repeat filings to threaten independent inventors' and small businesses' rights.

Further, to speed up patent processing and job creation, the PTO must be able to use inventors' application fees for their intended use: processing patents. The PTO receives no taxpayer money, and is funded entirely by fees. I voted against the manager's amendment that diverts these user fees to the vagaries of the annual congressional budget process.

I also have concerns about Section 18 of the bill. This section establishes an administrative review process for financially related business method patents whose validity has been questioned. This review process is retroactive, and even previously awarded patents whose validity had been upheld by federal courts would be subject to challenge. This is unfair to inventors, who would have to defend themselves again for patents they have already been awarded and already defended in court.

Innovation and technology development is essential to growing Hawaii's economy of the future. For this reason, I support patent reform but cannot support the bill before us today.

PERSONAL EXPLANATION

HON. STEVEN M. PALAZZO

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. PALAZZO. Mr. Speaker, on rollcall No. 454 I inadvertently voted "no" on an amendment where I meant to vote "yes" in support of the Flake amendment.

PERSONAL EXPLANATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 478 on final passage of H.R. 2021, the Jobs and Energy Permitting Act of 2011, I am not recorded because I was absent due to a death in my family which required me to immediately return to Georgia. Had I been present, I would have voted, "aye."

AMERICA INVENTS ACT

SPEECH OF

HON. ALLEN B. WEST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. WEST. Madam Chair, the most sweeping patent reform legislation that has come before the House of Representatives in over half a century, the America Invents Act, H.R. 1249, makes significant substantive, procedural, and technical changes to current United States patent law.

Article I, Section 8 gives the United States Congress the power to "promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Congress passed the first patent law just one year after ratifying the Constitution when it enacted the Patent Act of 1790. The law granted patent applicants the "sole and exclusive right and liberty of making, constructing, using and vending to others to be used" of his or her invention, clearly maintaining the intentions of patent protections the Framers had when they drafted Article I, Section 8, Clause 8 of the Constitution, commonly referred to as the Intellectual Property Clause.

Before discussing the ramifications of the America Invents Act, it is important for the American people to understand the reasoning behind the Intellectual Property Clause of the Constitution. The Framers recognized that a crucial component for success of the newly formed United States was economic strength and security, and they knew that American ingenuity and innovation was key to economic success.

Thus, for more than 200 years, American patent law has used a first to invent system that addresses the circumstances when two or more persons independently develop identical or similar inventions at approximately the same time. When more than one patent application is filed at the Patent and Trademark Office (PTO) claiming the same invention, the patent is awarded to the applicant who was the first inventor, even if the inventor was not the first person to file a patent application at the PTO.

Section 3 of H.R. 1249 would change this established system for determining which inventor obtains patent protection to a "first inventor to file" system. Under this new "first inventor to file" system, the law would not recognize the patent of an individual who did not file an invention first even if he or she was the first to complete an invention.

Proponents of Section 3 will argue that the United States is the only patent-issuing nation that does not employ a "first inventor to file" system, and that making this change will simplify the process for acquiring patent rights.

However, I believe that Section 3 on its face is unconstitutional. Over 200 years of evidenced-based, legal determination as to who is the true inventor of an invention should not be overturned because the rest of the world does it, or to make it easier for government bureaucrats to resolve patent disputes.

The United States is the greatest Nation on the face of the earth not because we conform our ways to the rest of the world, but instead because we operate in a way that makes the rest of the world want to follow our example.

Finally, and most importantly, I believe that awarding a patent to an individual who simply files before the inventor, violates the Framers' intent laid out in the Intellectual Property Clause. There can be no such thing as a "first inventor to file" since there can only be one inventor. Small inventors—the backbone of the American spirit of innovation—who do not have the funding or the legal staff to race to the PTO to file a patent will without question lose inventions to well-funded and well-staffed corporations.

I also have constitutional concerns with Section 18 of H.R. 1249. Section 18 of the America Invents Act would create a new Transitional Review proceeding at the Patent and Trademark Office that would only apply to "business method patents" dealing with data processing in the financial services industry. The Transitional Review would be available only to banks sued for patent infringement—even if the patent has already been upheld as valid by the PTO in a reexamination, or upheld by a federal court jury and/or judge in a trial. This new review process would ultimately lead to a delay, via a stay, of court proceedings that would interrupt inventors from capitalizing on their patents.

Constitutional scholars Richard Epstein and Jonathan Massey have concluded that Section 18 language constitutes a government taking by allowing banks to challenge all business method patents—even those that have been reexamined and affirmed by the PTO and upheld by a jury in federal court.

The House Judiciary Committee's consideration of H.R. 1249 proceeded rapidly. The committee held a hearing focused primarily on the broader patent provisions of the bill, and only the banking industry was invited to testify with regard to Section 18. Furthermore, there have been no hearings specifically relating to the implications of Section 18.

I have met with and spoken to a number of individuals representing both sides of this issue in order to fully understand the intent of H.R. 1249, as well as both its intended and unintended consequences. I have spoken to Director Kappos of the Patent and Trademark Office, and more importantly I have spoken with constituents in the 22nd Congressional District of Florida who are inventors that have received patents who would be adversely affected by certain provisions of this bill.

Madam Chair, I voted against H.R. 1249 because I believe that the major sections I have outlined raise serious Constitutional questions. Section 3 clearly violates the intent of our Framers when they drafted the Intellectual Property Clause. Section 18 opens the door for the Executive Branch to overturn the Judicial Branch, a clear violation of the separation of powers laid out by the United States Constitution.

As a 22-year Army combat veteran, and now as a Member of the House of Representatives, I swore an oath to protect and defend the Constitution. Voting in favor of passage of H.R. 1249 I believe goes against this very sacred oath I took, both as a young Second Lieutenant over 25 years ago, and as a Congressman in this body earlier this year.

INTRODUCTION OF THE COMPREHENSIVE PROBLEM GAMBLING ACT OF 2011

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. MORAN. Mr. Speaker, I rise today to introduce, along with Representatives FRANK WOLF, SHELLEY BERKLEY, and ALCEE HASTINGS, the Comprehensive Problem Gambling Act of 2011. This legislation would, for the first time, authorize federal support for the prevention and treatment of problem and pathological gambling.

According to the National Council on Problem Gambling, approximately 6–9 million American adults meet the criteria for a gambling problem, which includes gambling behavior patterns that compromise, disrupt or damage personal, family or vocational pursuits. Over the past decade, gaming and gambling has grown in the United States and many states have expanded legalized gaming, including regulated casino-style games and lotteries. The recent economic downturn only compounds this situation as many states consider relaxing gaming laws in an effort to raise state revenues.

At the same time, the federal government and most states have devoted very little, if any, resources to the prevention and treatment of compulsive gambling. Problem gambling can destroy a person's career and financial standing, disrupt marriages and personal relationships, and encourage participation in criminal activity. Currently, no federal agency has responsibility for coordinating efforts to treat problem gambling.

The Comprehensive Problem Gambling Act of 2011 would begin to address this deficiency by designating the Substance Abuse and Mental Health Services Administration (SAMHSA) as the lead agency on problem gambling, allowing them to coordinate Federal

action: The legislation would allow SAMHSA to conduct research, develop guidelines for effective prevention and treatment programs, and provide assistance for community-based services.

While there may be disagreement over the degree to which gambling should be regulated, we should all be able to support efforts to minimize the negative effects of problem gambling on our constituents. I look forward to working with my colleagues to enact this important legislation.