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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, help us see the invisible movement of Your spirit in people and in events. Beyond our everyday world of ongoing responsibilities and the march of secular history, with its sinister and frightening possibilities, You call us to another world of suprasensible reality which is the mainspring of the universe, the environment of our everyday existence, and our very life and strength at this moment. Help us to know that You are present, working out Your purposes, and have plans for us. Give us eyes to see Your invisible presence working through people, arranging details, solving complexities, and bringing good out of whatever difficulties we entrust to You.

We begin this new week affirming our loyalty to You, dear God, and to our great Nation. Grant the Senators eyes to see You as the unseen but ever-present Sovereign. Then help them to claim Your promise: "Call to me, and I will answer you, and show you great and mighty things, which you do not know." Through Christ our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, today we have the opportunity to file amendments on the antiterrorism legislation. The last 2 weeks have been very productive in the Senate. We completed the very big, important, supplemental appropriations bill providing for many important things, not the least of which is, because of September 11, homeland security.

The work done—I have said this on the floor on a number of occasions—by the Appropriations Committee, led by the President pro tempore and Senator STEVENS, is a hallmark piece of legislation. I certainly hope we can get this out of conference in basically the same form that it left the Senate. It is very important legislation, important for the country. Not only does it take care, as I have indicated, of the homeland defense measures, but it also gives additional support to our troops. And there is money there for some of the other things we are doing in international relations. We ran out of money for disabled veterans. There are many things there that need to be done.

In addition to that, we were able to get up the hate crimes legislation. We on this side are terribly disappointed the minority would not allow us to go forward on that. We thought we were threatened. I guess they, the minority, followed through on their threat that they were going to basically kill this bill by offering all kinds of amendments. They were unable to do that, but they did prevent cloture from being invoked.

The debt limit is now out. It is important. I am disappointed that the country has turned on its head basically. Last year at this time, we had a

\$4.7 trillion surplus. We now are basically spending in the red. That is too bad. But we had to extend the debt limit. We did that. It was the responsible action. I hope the House will follow suit without games being played there.

We were able to dispose of the estate tax. I was interested. I listened on public radio Saturday to Bill Gates's father, Mr. Gates, talking about why he believed the estate tax was an important part of America. Remember, this is Bill Gates's father. He basically said he wanted his children well taken care of, and he wanted his grandchildren well taken care of, but it wasn't right to have no tax on an \$85 billion estate. That is basically what his son has. We were able to get rid of that.

Finally, we were able to have a good debate on the terrorism legislation dealing with the insurance aspect of it. Now, in the morning at 9:45, I feel confident we will invoke cloture on that very important legislation. We have been trying to move forward since last year in December.

We have had a productive time. After this week, we have 1 week prior to going out for the Fourth of July recess. The leader announced on Friday that as soon as we complete the antiterrorism insurance legislation, we are going to go to the Defense authorization bill. That is also extremely important. Senators LEVIN and WARNER have worked very hard on that legislation. It is always a bill where there are lots of amendments. I think this year will be no different. But it is something we will finish prior to the July 4 recess.

We have our work cut out for us. I hope those people who have amendments to offer on this legislation will do so.

As I have indicated, there will be no votes today. The vote will occur tomorrow morning on cloture. All first-degree amendments must be filed before 4 p.m. today. All second-degree amendments must be filed before 9:40 a.m. tomorrow.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S5623

TERRORISM RISK INSURANCE ACT
OF 2002

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2600, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2600) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

Pending:

Brownback amendment No. 3843, to prohibit the patentability of human organisms.

Ensign amendment No. 3844 (to amendment No. 3843), to prohibit the patentability of human organisms.

The PRESIDENT pro tempore. What is the will of the Senate?

The Senator from Kansas, Mr. BROWNBACK.

AMENDMENT NO. 3843

Mr. BROWNBACK. Mr. President, I thank the Senator from Nevada for bringing up the issues. They are important ones before the country.

We are on the terrorism reinsurance bill, an amendment I have pending on this bill. The amendment I have pending has to deal with the issue of whether you can patent a human embryo, patent a person, whether you can patent a clone. I regret we are considering this amendment in this way. It was my hope that we would be able to have a set amount of time on the floor to be able to openly debate the overall issue of human cloning. I was hopeful we would be able to have that debate in February or March of this year, but things came up, apparently, and we were not able to take this debate forward.

I am left with the only recourse I have as a Member of this body, and that is presenting amendments to the body to consider the issue of whether or not we should proceed forward with the issue of human cloning, which is proceeding forward in America today. I think the wise course of action at this time is for us, overall, to have a moratorium on human cloning of all types for a 2-year time period. This will enable us to sort out what people really think and where this science would take us. I would favor a ban on human cloning, in order that we would not create human beings just for research purposes or for spare parts. But those issues will be left, perhaps, to address later this year.

For now, we have a narrow issue before the body, and that is whether or not human clones should be allowed to be patented. The Patent Office has issued a statement that it believes they should not grant patents on human clones, that this is a violation of the 13th amendment to the Constitution on slavery.

The Patent and Trademark Office has a longstanding policy of not permitting patents on people. Within the past year, they have awarded a patent to the University of Missouri on the process of human cloning, as well as what

is referred to as the products of that process.

It is clear that while the Patent and Trademark Office has an announced policy and, in view of recent patents that have been issued, as well as the fate of some of the patents that are currently pending, that the Congress should codify the view of the PTO in order to remove any ambiguity. We need to make it clear to the Patent Office that a human embryo created by a cloning process is a person, not a piece of property, not livestock that can be owned, and therefore should not be allowed to be patented. But there is a rub here because the Patent Office is being asked to issue these patents on people. They are saying, no, we should not grant these. A number of lawyers are challenging that and saying: What is a human clone? What is the young human embryo. They are stating: It is not a person, it is a piece of property; therefore, we can patent this. That is why we want to have clarity coming out of the Congress—a clear determination that you cannot patent a person. That should be illegal and should back up the position of the Patent and Trademarks Office.

We all know this debate is really about the future of humanity. It is moving at a very rapid rate. Just a few years ago, the debate was over whether or not the Federal Government should subsidize the destruction of embryos for the purpose of harvesting their inner-cell mass. That debate was over the disposition of human embryos already in existence.

Then the debate moved to whether or not embryos can be specifically created for their destruction. Human cloning—and whether or not we should utilize some of the most recent developments in the field of science—to create embryos for research purposes has been one of the latest debates. The next debate will be the issue of whether or not we can take outside genetic material and put it into the human species to the point where it can be reproduced in future generations of humans—where one generation of humans would decide the future of following generations. That is called germ line manipulation, and that will be up next.

This involves the issue of slavery again. It is a debate about whether or not individuals, and whether or not corporate America, can in fact patent and therefore control the destiny of a group of humans.

It is clear, as several have already commented, that the patenting of people could very well lead to a commercial eugenics movement—where people and traits are bought and sold by those in a position of power and authority.

The time will come—if this is allowed to continue—where human attributes are determined by a parents' pocketbook perhaps, rather than nature.

Human cloning tampers with nature in a very significant way. Now what some in the corporate world want to do

is start trafficking in human embryos—creating human embryo farms where embryos are mass produced on assembly lines by specific specifications and harvested for parts.

These corporate interests are now trying to begin patenting the people they produce. As my colleagues are well aware, the University of Missouri has already been granted a patent on the human cloning process.

The time for clarity is now. This disturbing bioindustrialization of life is continuing as I speak on the Senate floor. This debate is no longer about yet another step down the path toward a brave new world; it is, as the commentator Charles Krauthammer put it, “downhill skiing.” It is not just a step, it is downhill skiing. We need to stop it now.

By denying private companies the ability to patent a human person, and barring them from patenting the process of human cloning, we will be sending a very clear message that it is unacceptable to turn people into property and then buy and sell them as if they were commodities.

We should not allow corporate America to traffic in human embryos. By preventing the patenting of people, we will be stopping this practice.

My amendment makes clear that it is not acceptable to patent people and not acceptable to patent the process of human cloning for the purpose and process of making people.

This is a very important issue—one that demands our immediate attention. I urge my colleagues to vote against cloture on the terrorism reinsurance bill so that we can have our debate on the emerging biotech sector that I have mentioned.

I want to address a couple of other issues. I have a letter I want to put forward for Members of the body to consider. It is from the President of the Biotechnology Industry Organization on the issue of patenting people and of embryos, Carl Feldbaum. He was writing to an individual and stated their organization's opposition to the patenting of human embryos.

He states this:

Thank you for your thoughtful letter, which posed reasonable, provocative questions. With regard to the primary question you raised, BIO opposes patents on cloned human embryos. Many issues surrounding the research remain to be resolved, but on that matter our position is decided.

That is from Carl Feldbaum, President of Biotechnology Industry Organization, the lead organization for biotechnology, which is opposed to the patenting of people.

I ask unanimous consent that this letter be printed in the RECORD at the end of my statement.

(See exhibit 1.)

Mr. BROWNBACK. Mr. President, I urge Members to look at this. Here is the lead organization in the country that one might think is probably most in favor of patenting clones; yet they state they are opposed to it.