

markets, on the down-stream effect on remaining mergers, as well as the consequences for international competition.

#### ISOLATIONISM OF UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I come to the floor today to speak about something that really bothers me. This country has a constant debate within its political body about what role we in the United States will play with respect to the rest of the world.

The battle between being an internationalist and being an isolationist is something that has gone on in this country, back and forth. Our decisions in the 1920s in this body to pass the Smoot-Hawley Tariff Act was a way of erecting barriers around the United States and ultimately led to the depression in 1929.

Those of us who consider themselves to be both free and fair traders have had great hope in our decision nationally to deal in trade with the whole world as a way of preventing countries from getting into wars. If one is trading with somebody it is much less likely that one is going to involve oneself in some kind of destructive war that will destroy one's own resources as well as those of the country with which one is dealing.

Beginning with the installation of the President by the Supreme Court of the United States, a new isolationism has begun to set in in this country and most people are not paying much attention to it or they are not putting it together and seeing the whole picture.

This isolationism is not one of economics but one of which the United States is isolating itself from the rest of the world in terms of public opinion about the problems which face the entire globe. And our country willy-nilly goes along deciding we are going to do it our own way. Never mind anybody else. We will do it our own way.

Now, in 1972 they created a convention to prevent the spread of biological warfare, 1972. It has been there for 30 years. But this administration went to the U.N. and said we refuse to be involved in finding any way to enforce that convention.

It is the same government that says that we are going to bomb the living daylights out of and sanction Iraq because they are creating biological weapons. If you refuse yourself to be allowed to be inspected on that issue, how can you stand and take a public position in that world and say, but they cannot do it and we are going to isolate them until we stop them. It is simply the United States saying we are bigger than they are, we can do whatever we want.

Recently within the last week or so, the Japanese and the European Union decided they were going to try and save the globe from global warming. They came to an agreement, a sort of Kyoto II if you will, because the United States walked away and said we will not be a part of this. We are not going to do anything. We will not worry about global warming. We will continue to do what we have always done.

We are 5 percent of the world's population using 25 percent of the energy in the world and producing the largest portion of the global-damaging chemicals in our air. But the rest of the world has said, well, okay, if the United States wants to sit over there on the sidelines we will try to save it without them. We isolated ourselves.

The President does not believe in the anti-ballistic missile treaty. He said we have to begin putting up a missile shield because we are really afraid of Korea and we are afraid of Iraq and we are afraid of these rogue countries. We are going to spend 50, \$70 billion trying to prevent one missile if it ever should come from one of these countries and, in the process, tear up the treaty that said we are not going to have more missiles.

I do not think the problem is going to come from Korea or some other rogue country, North Korea. The problems are the old Soviet Union and Russia and the Chinese and some of these countries. It is much better to have an anti-ballistic missile treaty in place that is gradually bringing the number of missiles down.

To say we are going to prepare for the fact that there is going to be an escalation is simply to set it in motion. The minute we put up a shield everybody is going to say we have to arm because the Americans have a shield up and they can zing us any time they want. We will set off back into the Cold War. It is like George Bush won, when the Cold War ended, and they did not know what to do so now they will create Cold War II. That is what is going on here.

The CTBT Treaty, the Confidential Test Ban Treaty, the United States will not sign that. Why should anyone else? People get all excited when the Indians do it or the Pakistanis do it. Why? The United States of America will not say we will stop. Where do we have the moral authority to tell anybody else? We have isolated ourselves into a position of moral authority, but we cloak it in a kind of funny way with we will tell all the rest of the world what to do but do not tell us anything. That is not going to work.

□ 1445

#### HUMAN CLONING

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced

policy of January 3, 2001, the gentleman from Florida (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Florida. Mr. Speaker, I rise today to try in the next hour to cover a host of issues that are being hotly debated today in this country. I mainly want to focus on the issue of human cloning.

Next week, the House of Representatives will take up a piece of legislation I authored with my colleague, the gentleman from Michigan (Mr. STUPAK), the Human Cloning Prohibition Act of 2001, H.R. 2505. This bill cleared the Committee on the Judiciary and is now scheduled to be taken up by the House on Tuesday.

I wanted to talk this afternoon about that bill, about a competing piece of legislation that has been introduced by the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Pennsylvania (Mr. GREENWOOD), H.R. 2172, focus on some of the differences between these two bills in terms of the way they deal with this issue of human cloning. And then I would also like to just go over some of the basics of sexual reproduction versus cloning reproduction and as well some of the issues associated with the stem cell debate, because the issue of human cloning and the issue of stem cells do overlap somewhat.

This chart I have next to me here on my left highlights some of the differences between these two bills. I would just like to go over that briefly.

The legislation introduced by the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Florida (Mr. DEUTSCH) is H.R. 2172. I think theirs is also entitled the Human Cloning Prohibition Act. It allows the creation of human embryos through cloning technology to be used specifically for research and then for destruction. It allows research cloning, but I want to highlight there are no therapies that exist today in humans, nor is there an animal model. I say this because this form of cloning is referred to as therapeutic cloning. While it may be true that someday it may be possible to do this type of cloning they are talking about and use it for a therapeutic intervention in a patient, there are no known therapies today available for human cloning.

What their bill essentially is is a moratorium on implantation. I will get into that in a little bit more detail. Implantation is when the embryo actually seats itself in the womb and begins the process of further differentiating into a fetus. I say that their bill is a moratorium because they have a 10-year sunset on their bill. Their bill goes away, would have to be reauthorized in 10 years, and so I think it could legitimately be called a moratorium and not a real ban on so-called reproductive cloning.

I just want to highlight that all creation of cloned embryos is reproductive cloning. To say that their bill is a reproductive cloning ban I believe it is not really scientifically accurate. Really what it is is an implantation ban. The outcome of their bill is that it would create a 10-year prison sentence if it were enacted into law and up to a \$1 million penalty if there was an attempt to implant a cloned human embryo. It would sanction the creation of embryos in the United States. It would make it legal.

There is a lab up in Worcester, Massachusetts, that I understand has harvested eggs from female donors specifically for this purpose. The Greenwood alternative would essentially give them the green light to go ahead.

What is, I think, potentially tragic about this bill is it would be the first time ever a Federal law would mandate the destruction of human embryos. Under the provisions of their bill, at least the way I read it, the embryos that they would create would have to be destroyed in the scientific research process because it makes it a crime to actually implant any of those embryos. And it would encourage the creation of cloned embryos which I think would increase the likelihood of reproductive cloning, the thing they are trying to ban.

The reason for that is really quite simple. If you are allowing laboratories all over America that are doing research in this arena to produce large quantities of cloned human embryos, then it would only be a matter of time before one of those embryos would be implanted in a woman. That would occur within the privacy of the doctor-patient relationship. Indeed, if one of those implanted embryos took and the woman became pregnant, that pregnancy essentially would be protected by the privacy provisions of *Roe v. Wade*. I think it is a piece of legislation that increases the likelihood of occurring exactly what it claims to be trying to ban.

I want to contrast that with the legislation that the gentleman from Michigan (Mr. STUPAK) and I have introduced, H.R. 2505. It bans human cloning for any purpose, both the creation of cloned embryos and implantation of those to initiate a pregnancy. I think this is the most effective way to prevent so-called reproductive cloning, trying to actually bring a cloned baby to birth. It does not affect embryo research or other cloning techniques.

I want to highlight that, but before I do that, I want to just get back to this issue here. Why is it so important and why is the Congress taking this issue up?

For one reason, I already said this, there is a lab that wants to start producing cloned embryos immediately and using those embryos to harvest stem cells for research. But, as well,

the attempt to produce Dolly the sheep, which most people have heard of, the first mammal that was cloned, it took 276 tries to create Dolly the sheep. Many of those attempts ended in no pregnancy essentially, a miscarriage, but there were many, many sheep that were born with very, very severe birth defects.

Additionally, of all the species that have been cloned so far, and this includes cows, goats, mice, all of the animals, the babies that are born are very, very large. They have very, very large placentas. They are 15, 20, 30, 50 percent above normal birth weight. They have very, very enlarged umbilical cords. This is not well understood, but clearly if anybody attempts to do this with a human, it would be extremely hazardous to the woman who would be trying to give birth to a cloned human being. As I said, many were born with very severe birth defects when they tried to produce Dolly, particularly heart and lung defects.

So there are many issues here. The health of the mother could be threatened in trying to produce a cloned human baby. Additionally, the baby that was produced, if it had serious birth defects, who would be responsible for the health care of that baby? Who would be responsible for paying all those medical bills?

So it is universally agreed, we need to prohibit this. The best way to prohibit it, I believe, is to pass H.R. 2505.

Let me also add, and there has been, I think, some misinformation or disinformation that has been distributed on this issue. Our bill does not ban much of the research in this area. Specifically, I want to read directly from the bill.

Section 302(d) of the legislation states that "nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans."

So much of the research that will be done can continue to be done. You just cannot produce human embryos. I make this point and I am stressing this point for a reason. There are people opposed to our bill who are falsely saying that our legislation would essentially shut down this whole area of cloning research. That is just not correct. If you actually read the legislation, it can proceed.

So what would be the outcome if our bill becomes law?

Number one, similar to their bill, it creates a 10-year prison sentence and monetary penalties.

Obviously, as I stated, it prevents the creation of cloned human embryos as well as any attempt to try to induce pregnancy.

I want to also point out that it conforms with the currently existing law with many of our European allies.

There are some people falsely claiming that there are many countries where this is legal right now and it will, quote, all go overseas. In point of fact, that is not the case. Indeed, I spoke to a group from the European Parliament just this week. One of the members sent me a letter following our meeting, Dr. Peter Liese, who is a physician like myself, an internist like myself. He wrote to me pointing out that in a lot of European countries, and I am quoting him, like Germany, Austria, Switzerland, Portugal, Ireland, Norway and Poland, any kind of research which destroys embryos is prohibited by law.

In point of fact, the approach to this issue that is being suggested by the legislation introduced by the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Florida (Mr. DEUTSCH), the only country in the world where that is currently allowed is the United Kingdom, in England. And, indeed, it is a fact that they have come under a lot of criticism within the community of Europe because of their extremely liberal policy. And even in their country, they have a prohibition on doing any experimentation on embryos once the embryo has developed the early signs of a nervous system. So they at least have some restrictions on what can be done, whereas the Greenwood-Deutsch approach would set the United States apart from the rest of the world as having the most liberal approach to the creation of human embryos through the process of cloning and then essentially mandating that these cloned human embryos be destroyed.

I just want to cover a couple of important points in terms of the terminology associated with all this and some important facts as well. Embryo stem cells, which I will get into in more detail later, which can be used for research as everybody knows, there are no clinical applications of embryo stem cells today. We have heard a lot of rhetoric about the tremendous potential, quote-unquote, but there are no clinical applications using embryo stem cells today.

□ 1500

They were discovered in 1998, and the issue and debate in Washington is on whether or not we should have Federal funding. No attempt has been made, nor to my knowledge is it being considered, to make this illegal in the United States, embryo stem cell research. The debate we are having in this city is whether or not the Federal Government should pay for it. It is very similar to the debate as to whether or not the Federal Government should pay for abortions.

It has been a consensus here in this city amongst Democrats and Republicans that being that abortion is a very controversial issue, that the Federal Government will not fund abortions. This is a very, very similar debate.

It has been felt by many people that doing destructive research on human embryos is unethical and immoral. Therefore, perhaps maybe it should be made illegal that the Federal Government should not fund it, and that is the debate today, should the Federal Government start funding this research.

I want to point out that adult stem cells, which are being held out as a potential alternative to embryo stem cells for research purposes, have been successfully used in more than 45 clinical trials. I have been following the literature on this recently. The applications have been really, really, many. They have been used successfully to ameliorate the symptoms of multiple sclerosis, obviously to treat a whole bunch of bone marrow disorders, leukemias, anemias, used successfully to treat cartilage defects in kids, combined immuno-deficiency syndrome in kids, and this is going on today, using adult stem cells. Actually, it has been going on since the 1980s, and it receives all types of Federal funding. There are absolutely no restrictions today on adult stem cell research, nor is it considered unethical.

Now, just quickly, there are many types of cloning. You can clone cells, and this has been done with skin cells to do skin grafts, to create tissues, monoclonal antibodies, recombinant proteins. It has been going on since the 1940s. Our legislation will not affect this. This will be able to continue. Various types of non-cellular cloning, such as cloning DNA, proteins, RNA, which is ribonucleic acid. This has been used in genetic therapy. The production of recombinant insulins, DNA fingerprinting, diagnostic tests for forensics, fingerprint testing, parental tests, all have been going on since the 1980s. It is not affected by our legislation. People are falsely claiming that it will prohibit all forms of cloning. This is not true.

What it does is it makes illegal this procedure right here, and I am going to get into this in more detail, somatic cell nuclear transfer. This procedure has been around for many, many years, but in 1997 it was done to produce Dolly the Sheep. The question today is are we going to start cloning human embryos in the United States and in the near future.

Now, this poster I am showing here gets into the basics of how cloning is done. On the top here we show normal reproduction, where an egg unites with a sperm. Human beings, our cells have 46 chromosomes. It is actually 23 pairs of chromosomes in your body's cells, the cells of your skin, the cells of your liver.

The body goes through the process in the ovary and in the testes to produce 23 chromosomes in each one of these, so rather than having 23 pairs, you have the individual chromosomes. Then in the process of fertilization, the 23 here unite with the 23 here to produce a new human being. This is how each of us gets started, and the diagram shows the single cell fertilized egg, a 3 day old embryo shown here, and then a 5 to 7 day embryo.

Now, in the process of somatic cell nuclear transfer, what is done is you take an egg, and this is what they did with Dolly the Sheep. They extracted the nucleus with all of the chromosomes out of the egg. There is an alternate technique where you neutralize the nucleus. So you create an egg with no genetic material in it.

Then they went in the case of Dolly, they got this from a duct cell, and this just represents any cell in the body, and you extract the nucleus out of that cell. Then you take the nucleus and you put it in to the egg, and the egg begins to divide and forms an embryo, shown here.

Now, I want to highlight a couple of important points. When you go through this process, you create a unique individual, because you are reshuffling the chromosomes, and that is how each of us ends up with our own personal uniqueness.

In this situation here, you are creating a genetic duplicate of the individual that you have gotten this nucleus out of.

The other important point is biologically, ethically, morally, there is nothing different between this form and this form, other than this form is a genetic duplicate of the person you got the nucleus from. Indeed, if I were to do this procedure and extract the nucleus from any person, the baby that would be created here would be an identical twin of the person that you extract the nucleus from.

Now, this is the world's most famous clone, Dolly the Sheep. And just to reiterate how it was done, you had a female sheep, they extracted an egg from that sheep. They removed the genes, the nucleus out of that sheep, and created an egg that had no nuclear material in it.

In the case of Dolly, they got her nucleus from another sheep's udder and they put it in that egg. They cultured the embryo for a while, and once they were assured it was growing properly, they inserted it into the womb of a surrogate mother, essentially a third sheep, and, bingo, you get a clone.

Now, this diagram just shows the normal process in the human where an egg is produced from the ovary. High up in the fallopian tube is where the fertilization occurs. You get cell division, first into a two cell stage of embryo development, then a four cell stage, and then it goes to an eight cell

stage called an uncompact morula, and then that body of cells shrinks down to a compacted eight cell morula, and then you get further differentiation into an embryo. This is what we call implantation, when it actually adheres to the lining of the womb begins to actually differentiate into a fetus.

This diagram just shows the continuation of that process. This is a four week old embryo, a six week old embryo. It is in this stage here where they want to extract embryonic stem cells to do a lot of the stem cell research. Once the baby is born, if you extract cells from the baby or the umbilical cord blood, or from an adult person, and use stem cells from either of these sources, that is called adult stem cells. There is no destruction of the person when you extract stem cells there. But when you extract stem cells here, you essentially destroy the embryo. That is why it is called destructive embryonic stem cell research.

Now, the reason myself and many others are very optimistic that adult stem cell research, which is much less ethically and morally controversial than destructive embryonic stem cell research, is because we have been able to get bone marrow cells to differentiate into bone marrow adult stem cells.

These are adult stem cells extracted from the bone marrow to form more marrow, bone, cartilage, tendon, muscle, fat, liver, brain or nerve cells, other blood cells, heart tissue, essentially all tissues from bone marrow.

They have been able to extract adult stem cells from peripheral blood in your circulation and been able to get those differentiate into bone marrow, blood cells, nerves.

They have extracted stem cells from skeletal muscle and got them to differentiate into more skeletal muscle, smooth muscle, bone, cartilage, fat, heart tissue.

They have extracted adult stem cells from the gastro-intestinal tract and successfully been able to get them to differentiate into esophagus, stomach, small intestine and large intestine or colon cells.

Placental stem cells, adult stem cells in the placenta, have successfully been differentiated into bone, cartilage, muscle, nerve, bone marrow, tendon and blood vessel.

They have actually extracted stem cells from brain tissue and been able to get them to differentiate into all of these types of cells.

I say this just to simply make a point. There are lots of people claiming that destructive embryo stem cells research is so critically important, we have to do it. Adult stem cells research is very, very promising. Indeed, I believe it is much more promising, because embryonic stem cells, if they were implanted somebody to treat them, would be rejected by the immune

system of a patient who received those cells, whereas if you extract adult stem cells from the patient themselves, from their marrow or from their peripheral blood, then there are no tissue rejection issues. So not only are you overcoming the ethical and moral concerns, but you are as well overcoming an important scientific concern.

Now, advocates for embryonic stem cells argue that the embryonic stem cells multiply much more and you can get them to grow much, much more in tissue culture. That indeed is true. The adult stem cells do not duplicate as often. They do not live as long in the lab as the embryonic stem cells have successfully done. And while on the surface that may sound good, a lot of the research with embryonic stem cells show when you implant them in animals, you get the same phenomena; the cells continue to grow, and they essentially form tumors. So the very argument that researchers are putting forward that these cells are more robust and they grow and grow and grow, is actually a significant clinical problem if you are ever going to use them in treating patients with disease.

□ 1515

They are going to have to somehow get these cells to stop duplicating. Otherwise, they will form tumors or cancers in the patients that they are putting them into. Indeed, it is my personal opinion that embryonic stem cell research will never, never turn out to have the kind of clinical applications that people are claiming that it will.

Indeed, I believe that the future is in adult stem cells for all the reasons I just outlined. There is genetic compatibility; there will not be tissue rejections for patients; there are not the problems with them duplicating over and over again so we will not have the concerns about them forming tumors; and, as well, obviously, there are no ethical or moral objections on the part of the public.

Mr. Speaker, I do want to assert that our legislation does not get into this issue of embryonic stem cell research. Heretofore, embryonic research has always centered on the issue of these embryos that are in the freezers in the IVF clinics that are so-called excess embryos that are so-called destined for destruction. Now, some people, myself included, argue that that is not necessarily the case.

The reason these embryos are in the freezers is because the fertility experts that keep them there have a lot of their patients come back years after they have had a baby by IVF technology and they say they want to have another baby, so that is why the embryos are in the freezer in the first place. As well, there are people that want to adopt these embryos out.

There is the adoption agency in California, Snowflake, that is actually

doing this. I had the opportunity to see three babies that were born through this technology of adopting embryos.

But the debate has always been centered on those embryos in the freezers and that they are destined for destruction, supposedly, and, therefore, it is ethically and morally okay to use them in research protocols that essentially destroy them. But human cloning, as it is currently contrived and being proposed, takes us as a Nation in a whole new ghastly and horrible direction, and that is in one of creating embryos for destruction, for destructive research purposes. The morality and the ethics of this I think are totally different.

We have never as a Nation ventured into this area before where we are saying we are going to create embryos now purely for research purposes to be destroyed. We have that before us today. We have it before us now. It will be before this body, the House of Representatives, next week.

We will have two alternatives. Members of this body can choose the direction that is supported by me and the gentleman from Michigan (Mr. STUPAK), which is to say we are not going to go in that direction. We are not going to have human cloning, the creation of embryos, human life at its earliest stages, specifically just for research purposes and for destruction. We are going to say no to that procedure. As well, we are going to say no to allowing those embryos to be implanted in a woman for the purpose of generating a pregnancy, a baby, a human being.

Members of the body will have a choice, though. They will have another bill before them. The bill I spoke of at the beginning of this Special Order, the Greenwood-Deutsche bill, H.R. 2172, and their bill specifically allows the creation of human embryos through cloning technology to be used specifically for research purposes and destruction.

Our bill says, no, we do not want to move in that direction. It is not necessary. It is morally and ethically wrong, and it will ultimately, if we move in the direction that they are proposing, it will ultimately take us to the place where we are creating embryos in such quantities that eventually we will have attempts made at creating babies, creating human clones. Or, the body can choose to support and approve H.R. 2505, the bill that I believe very, very strongly is the morally and ethically correct way to go.

I believe this is a critical juncture for our Nation. The whole arena of biotechnology is exploding. We have had the human genome project, and we are moving very, very rapidly to a place where there can be many new breakthroughs in science and technology. Many of these are very, very good, but some of these I believe are extremely

dangerous, extremely hazardous, and are morally and ethically wrong.

To say that we as a Nation are going to allow, permit, even encourage the creation of embryos, human embryos for destructive research purposes I think is extremely, extremely bad policy. It would put the United States in a position where it would have the most liberal policy on this issue in the world. Our bill I think puts us in the right direction where we are saying we are going to allow the good science to proceed, but we are not going to take this ghastly or grizzly step.

Now, before I close, I want to say one additional very important thing, and my colleagues are going to hear this from some people, that if we do this, if we pass this bill, if this bill is signed into law and, by the way, it has received the support of the Bush administration, they have indicated that they will support the bill of myself and the gentleman from Michigan (Mr. STUPAK), that this technology will just somehow go overseas and the cloning will proceed there. In response to that I want to say a couple of important things.

Number one, I think we have a moral and ethical obligation to do what is right within our own borders. To say that something bad is going to happen overseas, therefore we should not bother making it illegal here is absurd. I mean, nobody would suggest repealing our laws against slavery just because slavery currently exists in the Sudan. That would be, of course, reprehensible. Nobody in their right mind would propose that.

So I think the obverse certainly applies, that we would never want to say, no, we do not want to pass good legislation to make something that is morally and ethically wrong, you would never want to do that because it may happen somewhere else. I think that is a totally unjustifiable argument.

Another important point in this arena is this: I think the world does look up to the United States, and I think if we can pass a strong bill in this arena other countries will follow suit. Certainly, they will be encouraged to do so.

An important provision of our bill which I did not mention is the prohibition on importation. There are some people who would like to repeal this provision and essentially allow the creation of clones overseas and in the Bahamas, Mexico, whatever country, and then the stem cells or whatever material people are wanting to extract from those clones, part of their destruction could then be brought back into the United States. I thought this was an unacceptable situation so we have language in the bill barring the importation of clones or products from clones.

Lastly, I want to just cover a few important points.

I have talked a lot about the morality and ethics of this; and they will

say, well, you cannot legislate morality. We hear that all the time. I would counter that everything we do in this body is rooted in morality and ethics.

We were debating earlier today the housing bill. Well, why do we have a housing program? Well, we have a housing program because when all of that got started during the New Deal there were a lot of people who thought it was morally and ethically wrong to have millions of Americans who were living well living next to people in squalor, without homes, with substandard housing, and so we began those programs.

We have the Social Security program, I believe, because most people feel it is morally and ethically wrong to allow senior citizens who do not have the ability to save during their working lifetime to live in abject poverty.

All of our laws, laws against murder and rape, are rooted in morality and ethics. This is just one more example. It is ethically and morally wrong.

Finally, let me close by just saying to all of my colleagues in the House, and I have heard this from some Members, why are we getting into this issue? As I stated at the outset, we are getting into the issue because we have to get into the issue. There is a company in Massachusetts that is preparing to begin the process of creating human embryos. As I understand it, they have harvested eggs from women donors, they have the eggs, they want to do the sematic cell nuclear transfer technology, begin creating clones, and then extracting from those embryos stem cells for research purposes and then destroying those cloned embryos.

So, Mr. Speaker, the time is now. We need to speak on this issue as a body. The Congress needs to speak on it, the President needs to speak on it, and I believe we should stand with the vast majority of Americans. A poll that I have seen shows that 86 percent of the American people feel that it is wrong to create embryos specifically to be used for research purposes and then destroyed. Eighty-six percent of the American people feel that this is the wrong thing to do.

Let me just add again, and I have said this earlier, I know there are many people, particularly many pro-life people, several of the Republican senators I know have gotten up in that body and spoken on this issue, that feel that we should allow the destructive embryo research on these excess embryos in the freezers in the IVF clinics, so-called excess embryos. This bill does not address that issue. If this bill becomes law, that research could proceed and, indeed, that research actually can proceed in this country today. The debate is exclusively over whether or not the Federal Government should fund that research.

So I think we are headed as a body to a very, very critical point. Medical

technology has been evolving rapidly in the United States for years and years and years, and we are at a precipice. We are at the edge of a tremendous decision. I think the right decision is to pass this bill, H.R. 2505, the Weldon-Stupak Cloning Prohibition Act of 2001. It is supported by the President of the United States; and the Senate, the other body, hopefully, will take the bill up and pass it as well.

□ 1530

#### PATIENT PROTECTIONS IN THE REPUBLICAN PATIENT BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Kentucky (Mr. FLETCHER) is recognized for the remaining time of the gentleman from Florida (Mr. WELDON).

Mr. FLETCHER. Mr. Speaker, I just wanted to rise and discuss some issues regarding patient protections.

As we know, this is a piece of legislation that is anticipated to come before this body next week. It is a piece of legislation that has been debated for quite some time for a number of years here. Yet, unfortunately, we seem to be at somewhat of a logjam.

Let me say that we have been able to reach quite a compromise position in the bill that we have put forth, myself along with the gentleman from Minnesota (Mr. PETERSON), a Democrat, as well as the gentlewoman from Connecticut (Mrs. JOHNSON), who have worked very, very hard to really come together with a piece of legislation that is a very balanced approach.

Mr. Speaker, we have come a long way. However, there are some Members who did not want to increase the liabilities of HMOs at all. There are some people who wanted to open up unlimited lawsuits that would have driven up the cost of health care and increased the number of uninsured in this country.

Yet, Mr. Speaker, we have reached a good balance in this piece of legislation, the Fletcher-Peterson-Johnson legislation, that does three things particularly.

One, it increases the quality of health care in America. How does it do this? It does that by establishing the right of every patient in America that has insurance to be able to appeal to a panel of expert physicians. These are practicing physicians that are trained in the specialty to be reviewed. So if a patient has an HMO that questions their ability to get a particular treatment, they can go to this panel.

What we do is set the criteria of that panel to make sure that it is the highest standards of medical care in this country, state-of-the-art care. We establish that based on a consensus of expert opinion and what we call referred

journals. Those are those medical journals like the New England Journal of Medicine, the Journal of the American Medical Association, that are reviewed by peers to make sure that the information in those journals is accurate and substantiated by scientific research.

We make sure that every patient in America has that option of coming and asking that expert panel whether or not they should receive this treatment. If they are not given that treatment, then we hold the HMOs liable. We hold them liable. Actually, if the HMO refuses to give what the experts say, we hold them just as liable as any physician is held liable in this country.

Yet the other side says that is not enough because they want to allow trial lawyers to sue no matter what the case is, even if the plan is offering the care; or if the plan actually is saying that the experts say this is not the appropriate treatment, then they want an opportunity, a right, to be able to sue that managed care facility.

What is that going to do? This is unlimited lawsuits. We have debated this for years. As a family physician, I know the extra costs of what we call defensive medicine, what the costs are. It is not thousands, it is not millions, it is billions of dollars of tests that are run, procedures that are performed, that are only done because of fear of frivolous lawsuits.

That does not improve the quality of health care. It actually has just the opposite effect on the quality of health care. There have been some studies done to show that frivolous lawsuits do not improve the quality of health care. As a matter of fact, they impair it.

Under the Democrats' bill, and again, they have been unyielding and lack the ability, it seems, to be able to yield or to compromise at all on this issue. Even though we have opened up liability tremendously, making sure that we punish bad players, they are unwilling to compromise. What has that done? That has made us unable to get a bill passed here.

Now I would hope they would be able to compromise some, because I believe all of us truly want to get a bill signed by the President that can help patients in this country.

Why will we not support the bill that has unlimited frivolous lawsuits and has no provisions, substantial provisions, for access? Because we know it will increase the uninsured in this country. Some estimates say from 7 million up to 9 million people will lose their health insurance.

What effect does that have on a patient? Patients that do not have insurance have poorer health. Disease progresses further along before they are actually diagnosed of the disease. If they are hospitalized and they do not have insurance, they die at three times the rate of a patient that has insurance. So it is very troubling to me