

Weller	Wilson	Young (AK)
Wexler	Wolf	Young (FL)
Whitfield	Woolsey	
Wicker	Wynn	

NOT VOTING—11

Gordon	Lipinski	Stark
Hastings (FL)	Payne	Thompson (MS)
Hutchinson	Riley	Wu
Jones (OH)	Spence	

□ 1453

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 301, H.R. 2540, the Veterans Benefits Act of 2001. Had I been present I would have voted "yea."

HUMAN CLONING PROHIBITION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 214, I call up the bill (H.R. 2505) to amend title 18, United States Code, to prohibit human cloning, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to House Resolution 214, the bill is considered read for amendment.

The text of H.R. 2505 is as follows:

H. R. 2505

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Cloning Prohibition Act of 2001".

SEC. 2. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—HUMAN CLONING

"Sec.

"301. Definitions.

"302. Prohibition on human cloning.

"§ 301. Definitions

"In this chapter:

"(1) HUMAN CLONING.—The term 'human cloning' means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

"(2) ASEXUAL REPRODUCTION.—The term 'asexual reproduction' means reproduction not initiated by the union of oocyte and sperm.

"(3) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

"§ 302. Prohibition on human cloning

"(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly—

"(1) to perform or attempt to perform human cloning;

"(2) to participate in an attempt to perform human cloning; or

"(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

"(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, knowingly to import for any purpose an embryo produced by human cloning, or any product derived from such embryo.

"(c) PENALTIES.—

"(1) CRIMINAL PENALTY.—Any person or entity who violates this section shall be fined under this section or imprisoned not more than 10 years, or both.

"(2) CIVIL PENALTY.—Any person or entity that violates any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than \$1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than \$1,000,000.

"(d) SCIENTIFIC RESEARCH.—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."

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Cloning ..... 301".

The SPEAKER pro tempore. The amendments printed in the bill are adopted.

The text of H.R. 2505, as amended, is as follows:

H.R. 2505

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

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(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Cloning ..... 301".

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 107-172, if offered by the gentleman from Virginia (Mr. SCOTT), or his designee, which shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

After disposition of the amendment by the gentleman from Virginia (Mr. SCOTT), it shall be in order to consider the further amendment printed in the report by the gentleman from Pennsylvania (Mr. GREENWOOD), which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2505, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I rise in support of H.R. 2505, the Human Cloning Prohibition Act of 2001. This bill criminalizes the act of cloning humans, importing cloned humans, and importing products derived from cloned humans. It is what is needed, a comprehensive ban against cloning humans. It has bipartisan co-sponsorship. It was reported favorably by the Committee on the Judiciary on July 24, and is supported by the Secretary of the Department of Health and Human Services, Tommy J. Thompson, and by President Bush.

Today we are considering more than the moral and ethical issues raised by human cloning. This vote is about providing moral leadership for a watching world. We have the largest and most powerful research community on the face of the Earth, and we devote more money to research and development than any other Nation in the world. Although many other nations have already taken steps to ban human cloning, the world is waiting for the United States to set the moral tone against this experimentation.

Currently in the United States there are no clear rules or regulations over privately funded human cloning. Although the FDA has announced that it has the authority to regulate human cloning through the Public Health Service Act and the Food, Drug and Cosmetic Act, this authority is unclear and has not been tested. The fact of the matter is that the FDA cannot stop human cloning; it can only begin to regulate it. This will be a day late and a dollar short for a clone that is used for research, harvesting organs, or born grotesquely deformed.

Meanwhile, there is a select group of privately funded scientists and religious sects who are prepared to begin cloning human embryos and attempting to produce a cloned child. While they believe this brave new world of Frankenstein science will benefit mankind, most would disagree. In fact, virtually every widely known and respected organization that has taken a position on reproductive human cloning flatly opposes this notion because of the extreme ethical and moral concerns.

Others argue that cloned humans are the key that will unlock the door to medical achievements in the 21st century. Nothing could be further from the truth. These miraculous achievements may be found through stem cell research, but not cloning.

Let me be perfectly clear: H.R. 2505 does not in any way impede or prohibit stem cell research that does not require cloned human embryos. This debate is whether or not it should be legal in the United States to clone human beings.

While H.R. 2505 does not prohibit the use of cloning techniques to produce

molecules, DNA cells other than human embryos, tissues, organs, plants, and animals other than humans, it does prohibit the creation of cloned embryos. This is absolutely necessary to prevent human cloning, because, as we all know, embryos become people.

If scientists were permitted to clone embryos, they would eventually be stockpiled and mass-marketed. In addition, it would be impossible to enforce a ban on human reproductive cloning. Therefore, any legislative attempt to ban human cloning must include embryos.

□ 1500

Should human cloning ever prove successful, its potential applications and expected demands would undoubtedly and ultimately lead to a worldwide mass market for human clones. Human clones would be used for medical experimentation, leading to human exploitation under the good name of medicine. Parents would want the best genes for their children, creating a market for human designer genes.

Again, governments will have to weigh in to decide questions such as what rights do human clones hold, who is responsible for human clones, who will ensure their health, and what interaction will clones have with their genealogical parent.

Fortunately, Mr. Speaker, the gentleman from Florida (Mr. WELDON) and the gentleman from Michigan (Mr. STUPAK) have introduced this legislation before a cloned human has been produced.

As most people know, Dolly the sheep was cloned in 1997. Since that time, scientists from around the globe have experimentally cloned a number of monkeys, mice, cows, goats, lambs, bulls and pigs. It took 276 attempts to clone Dolly, and these later experiments also produced a very low rate of success, a dismal 3 percent. Now, some of the same scientists would like to add people to their experimental list.

Human cloning is ethically and morally offensive and contradicts virtually everything America stands for. It diminishes the careful balance of humanity that Mother Nature has installed in each of us. If we want a society where life is respected, we should take whatever steps are necessary to prohibit human cloning.

I believe we need to send a clear and distinct message to the watching world that America will not permit human cloning and that it does support scientific research. This bill sends this message, that it permits cloning research on human DNA molecules, cells, tissues, organs or animals, but prevents the creation of cloned human embryos.

Mr. Speaker, support H.R. 2505. Stop human cloning and preserve the integ-

ity of mankind and allow scientific research to continue.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the Members for an excellent debate during the debate on the rule, as well as I hope this one will be constructive. I ask the Members, suppose you learned that you had contracted a deadly disease, Alzheimer's, multiple sclerosis, but the Congress had banned the single most promising avenue for curing the disease. And that is precisely what we will be doing if we pass the Weldon bill in its present form, because it is a sweeping bill.

Let us give it credit. It is half right, it is half wrong. But it is so sweeping that it would not only ban reproductive cloning, but all uses of nuclear cell transfer for experimental purposes. This would stop ongoing studies designed to help persons suffering from a whole litany of diseases. So far-reaching is this measure that it bans the importation even of lifesaving medicine from other countries if it has had anything to do with experimental cloning. What does it mean? If another nation's scientist developed a cure for cancer, it would be illegal for persons living in this country to benefit from the drug.

Question: Does this make good policy? Is this really what we want to do here this afternoon?

Besides that, the legislation would totally undermine lifesaving stem cell research that so many Members in both bodies strongly support. One need not be a surgeon to understand that it is far preferable to replace diseased and cancer-ridden cells with new cells based on a patient's own DNA. We simply cannot replicate the needed cells with adult cells only, and this is why we need to keep experimenting with nuclear cell transfer.

That is why I am trying to give the gentleman from Florida (Mr. WELDON), as much credit as humanly possible. It is half right, it is half wrong; and we are trying, in this debate, to make that correction.

Now, if we really wanted to do something about cloning, about the problem of reproducing real people, then we invite the other side to join with us in passing the Greenwood-Deutsch substitute to criminalize reproductive cloning that will also be considered by the House today, for there is broad bipartisan support on both sides of the aisle for such a proposition, and we could come together and do something that I believe most of our citizens would like.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. HYDE), the distinguished former chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I rise in support of the Weldon-Stupak bill.

Every Member of this House casts thousands of votes in the course of a congressional career. Some of those votes we remember with satisfaction; others we remember with less pleasure. That is the burden we take on ourselves when we take the oath of our office: the burden of decision.

We should feel the gravity of that burden today. For no vote that any of us will ever cast is as fraught with consequence as our vote on whether or not to permit human cloning.

Advances in the life sciences have brought us to a decisive fork in the road. Will our new genetic knowledge and the biotechnologies it helps create, promote healing and genuine human flourishing? Or will we use this new knowledge to remanufacture the human condition by manufacturing human beings?

The first road leads us to a brighter future, in which lives are enhanced and possibilities are enlarged, for the betterment of individuals and humanity. The second road leads us into the brave new world so chillingly described by Aldous Huxley more than 60 years ago; a world of manufactured men and women, designed to someone else's specifications, for someone's else's benefit, in order to fulfill someone else's agenda.

When manufacture replaces begetting as the means to create the human future, the dehumanization of the future is here.

That is what is at stake in this vote. That is what we are being asked to decide today. Are we going to use the new knowledge given us by science for genuinely humane ends? Or are we going to slide slowly, inexorably into the brave new world?

When we succeeded in splitting the atom, an entire new world of knowledge about the physical universe opened before us. At the same time, as we remember all too well from the cold war, our new knowledge of physics, and the weapons it made possible, handed us the key to our own destruction. It continues to take the most serious moral and political reflection to manage the knowledge that physics gave us six decades ago.

Now we face a similar, perhaps even greater, challenge. The mapping of the human genome and other advances in the life sciences have given humanity a range and breadth of knowledge just as potent in its possibility as the knowledge acquired by the great physicists of the mid-twentieth century. Our new knowledge in the life sciences contains within itself the seeds of good—for it is knowledge that could be used to cure the sick and enhance the lives of us all. But, like the knowledge gained by the physicists, the new knowledge acquired by biology and genetics can also be used to do great evil: and that is what human cloning is. It is a great evil. For it turns the gift of life into a product—a commodity.

We have just enough time, now, to create a set of legal boundaries to guide the deployment of the new genetic knowledge and the development of the new biotechnologies so that this good thing—enhanced understanding of the mysteries of life itself—serves good ends, not dehumanizing ends. We have just enough time to insure that we remain the masters of our technology, not its products. We should use that time well—which is to say,

thoughtfully. The new knowledge from the life sciences demands of us a new moral seriousness and a new quality of public reflection. These are not issues to be resolved by politics-as-usual, any more than the issue of atomic energy could be resolved by politics-as-usual. These are issues that demand informed and courageous consciences.

As free people, we have the responsibility to make decisions about the deployment of our new genetic knowledge with full awareness of the profound moral issues at stake. The questions before us in this bill, and in setting the legal framework for the future development of biotechnology, are not questions that can be well-answered by a simple calculus of utility: will it "work?" The questions raised by our new biological and genetic knowledge summon us to remember that most ancient of moral teachings, enshrined in every moral system known to humankind: never, ever use another human being as a mere means to some other end. That principle is the foundation of human freedom.

When human life is special-ordered rather than conceived, "human life" will never be the same again. Begetting the human future, not manufacturing it, is the fork in the road before us. Indeed, to describe that fork in those terms is not quite right. For a manufactured human future is not a human, or humane, future.

The world is watching us, today. How the United States applies the moral wisdom of the ages to the new questions of the revolution in biotechnology will set an example, for good or for ill, for the rest of humankind. If we make the decision we should today, in support of Congressman's WELDON's bill, the world will know that there is nothing inexorable about human cloning, and that it is possible for us to guide, rather than be driven by, the new genetics. The world will know that there is a better, more humane way to deploy the power that science has put into our hands.

And the world will know that America still stands behind the pledge of our founding, a pledge to honor the integrity, the dignity, the sanctity, of every human life, as the foundation of our freedom.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin for yielding time.

Mr. Speaker, the manufacture of cloned human beings rightly alarms an overwhelming majority of Americans. Some 90 percent oppose human cloning, according to a recent Time/CNN poll. The National Bioethics Advisory Commission unanimously concluded that "Any attempt to clone a child is uncertain in its outcome, is unacceptably dangerous to the fetus and, therefore, morally unacceptable." That is why this bill prohibits all human cloning.

A partial ban would allow for stockpiles of cloned human embryos to be produced, bought and sold without restrictions. Implantation of cloned embryos, a relatively easy procedure, would inevitably take place. Once cloned embryos are produced and avail-

able in laboratories, it is impossible to control what is done with them, so a partial ban is simply unenforceable.

It has been argued that this bill would have a negative impact on scientific research, but this assertion is unsupported, both by the language in the bill and by the testimony received by the Subcommittee on Crime during two hearings. The language in the bill allows for research in the use of nuclear transfer or other cloning techniques used to produce molecules, DNA, cells, tissues, organs, plants or animal. Furthermore, Mr. Speaker, there is no language in the bill that would interfere with the use of in vitro fertilization, the administration of fertility-enhancing drugs, or the use of other medical procedures to assist a woman from becoming or remaining pregnant.

Mr. Speaker, I urge my colleagues to support this legislation and oppose the substitute.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN), a member of the committee.

Ms. LOFGREN. Mr. Speaker, this bill bans human cloning. Almost all of us agree with that. The problem is, the bill does much more. It makes cutting-edge science a crime. It would make somatic cell nuclear transfer a felony.

An egg is stripped of its 23 chromosomes, 46 chromosomes are taken from the cell, say, of a piece of skin, and inserted into the egg. In 2 weeks, there is a clump of cells, undifferentiated, without organs, internal structures, nerves. Each of these cells may grow into any kind of cell, to cure cancer, Parkinson's, Alzheimer's, even spinal cord injuries. Use of one's own DNA for the curing cells avoids the danger of rejection.

Just last week, as reported at the annual meeting at the Society for Neuroscience in New Orleans, stem cells derived from somatic nuclear transfer technology were used with primates, paralyzed monkeys. Astonishingly, the monkeys were able to regain some movement. For paraplegics, this is a bright ray of hope.

Since when did outlawing research to cure awful diseases become the morally correct position? I believe that scientific research to save lives and ease suffering is highly moral and ethical and right. Some disagree and oppose this science. Well, they have the right to disagree, but nobody will force them to accept the cures that science may yield. If your religious beliefs will not let you accept a cure for your child's cancer, so be it. But do not expect the rest of America to let their loved ones suffer without cure.

Our job in Congress is not to pick the most restrictive religious view of science and then impose that view upon Federal law. We live in a Democracy, not a Theocracy.

Vote for the amendment that will save stem cell research and then we can all vote for a bill that bans cloning humans, and only that.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of the Weldon-Stupak bill.

Simply put, cloning another human being, especially for the purpose of conducting experiments on the tiniest form of human being, is wrong. It is clear that it violates a principle that I think we all accept of human individuality and human dignity. That is why it is imperative that all of us support this bill. It is a responsible and reasoned proposal, and it will ensure that we maintain our strong ethical principles. We must have ethical principles to guide scientific research and inquiry.

No one who supports this bill suggests that we stop scientific research. In fact, cloning has been used and should continue to be used to produce tissues. It should not, however, be used to produce human beings.

If we do not draw a clear line now, when will we do so? There are so many very serious questions that human cloning raises, questions about conducting experiments on a human being bred essentially for that purpose; questions about the evils of social and genetic engineering; questions about the rights and liberties of living beings, of human beings.

What about a being that is created in the laboratory and patented as a product? It is still a human being.

There are too many serious questions that human cloning brings to the fore. They all have very serious consequences. The consequences that human cloning raises are all ethical questions. For us to move forward and allow science to be conducted without ethical and moral intervention is just crazy.

We need nothing short of a full and clear ban on human cloning; otherwise, we are not promoting responsible scientific inquiry, we are promoting bad science fiction and making it a reality.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I intend to vote against the underlying bill and against the alternative as well, because I do not believe that I know what I need to know before casting a vote of such profound consequence. I am not ready to decide the intricate and fundamental questions raised by this legislation on the basis of a single hearing held on a single afternoon at which the subcommittee heard only 5 minutes of testimony from only four witnesses, a

hearing which many Members, myself included, were not even able to attend.

Proponents of the bill have warned, and I speak to the underlying bill, that this is but the "opening skirmish of a long battle against eugenics and the post-human future." They say that without this sweeping legislation, we will make inevitable the cloning of human beings, which I believe everyone in this Chamber deplures.

Supporters of the substitute respond that the bill is far broader than it needs to be to achieve its objective, and that a total ban on human somatic cell nuclear transfer could close off avenues of inquiry that offer benign and potentially lifesaving benefits for humanity.

□ 1515

They may both be right, but both bills have significant deficiencies.

The underlying bill raises the specter of subjecting researchers to substantial criminal penalties. It even goes so far as to create a kind of scientific exclusionary rule that would deny patients access to any lifesaving breakthroughs that may result from cloning research conducted outside of the United States. To continue the legal metaphor, it bars not only the tree but the fruit, as well. This seems to me to be of dubious morality.

The substitute would establish an elaborate registration and licensing regime to be sure experimenters do not cross the line from embryonic research to the cloning of a human being. Not only would that system be impossible to police, but it fails to address the question of whether we should be producing cloned human embryos for purposes of research at all.

I find this issue profoundly disturbing. I believe the issue deserves more than a cursory hearing and a 2-hour debate. It merits our sustained attention, and it requires a characteristic which does not come easily to people in our profession: humility and patience.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH), who will show how bipartisan support is for this bill.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Wisconsin for yielding time to me.

Mr. Speaker, the pro-life pro-choice debate has centered on a disagreement about the rights of the mother and whether her fetus has legally recognized rights. But in this debate on human cloning, there is no woman. The reproduction and gestation of the human embryo takes place in the factory or laboratory; it does not take place in a woman's uterus.

Therefore, the concern for the protection of a woman's right does not arise in this debate on human cloning. There is no woman in this debate. There is no

mother. There is no father. But there is a corporation functioning as creator, investor, manufacturer, and marketer of cloned human embryos. To the corporation, it is just another product with commercial value. This reduces the embryo to just another input.

What we are discussing today in the Greenwood bill is the right of a corporation to create human embryos for the marketplace, and perhaps they will be used for research, perhaps they will be just for profit, all taking place in a private lab.

But is this purely a private matter, this business of enucleating an egg and inserting DNA material from a donor cell, creating human embryos for research, for experimentation, for destruction, or perhaps, though not intended, for implantation? Is this just a matter between the clone and the corporation, or does society have a stake in this debate?

We are not talking about replicating skin cells for grafting purposes. We are not talking about replicating liver cells for transplants. We are talking about cloning whole embryos. The industry recognizes there is commercial value to the human life potential of an embryo, but does a human embryo have only commercial value? That is the philosophical and legal question we are deciding here today.

The Greenwood bill, which grants a superior cloning status to corporations, would have us believe that human embryos are products, the inputs of mechanization, like milling timber to create paper, or melting iron to create steel, or drilling oil to create gasoline. Are we ready to concede that human embryos are commercial products? Are we ready to license industry so it can proceed with the manufacturer of human embryos?

If this debate is about banning human cloning, we should not consider bills which do the opposite. The Greenwood substitute to ban cloning is really a bill to begin to license corporations to begin cloning. Though the substitute claims to be a ban on reproductive cloning, it makes this nearly possible by creating a system for the manufacturer of cloned embryos. It does not have a system for Federal oversight of what is produced and does not allow for public oversight. The substitute allows companies to proceed with controversial cloning with nearly complete confidentiality.

Cloning is not an issue for the profit-motivated biotech industry to charge ahead with; cloning is an issue for Congress to consider carefully, openly, and thoughtfully. That is why I support the Weldon bill. I urge that all others support it as well.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. NADLER), a senior member of the Committee on the Judiciary.