

With today's vote, the House will have passed the SPY Act three times. Let's hope that the third time's a charm—and that today's passage means this bill will finally get signed into law.

The SPY Act is important because it protects consumers from spyware, the unwanted and sneaky software that is so powerful that it can steal information from, monitor and control others' computers—without the computer's owner even knowing the software has been installed.

The SPY Act would put the control of computers back in the hands of consumers—where it belongs. It prohibits indefensible uses of the software, like phishing and logging every keystroke entered, and requires that consumers be notified and opt-in before software is installed on their computers. Furthermore, the SPY Act gives the Federal Trade Commission the additional power it needs to pursue deceptive uses of the software.

I believe that this bill will go a long way toward protecting consumers from having their valuable and personal information stolen by purveyors of spyware. I am glad that I was part of the bipartisan process that brought this bill to the floor today. I urge my colleagues to support its passage. Thank you.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to H.R. 964, the SPY Act.

The continued growth of the Internet has brought tremendous enhancements to our quality of life—from advances in the delivery of health care, to the ability of consumers to instantaneously conduct transactions online. Increasingly, consumers want a fast connection to the Internet and want the delivery of online services to be seamless and online service providers have invested significant resources to develop software to make their services as safe, reliable and fast as possible.

However, as Congress considers legislation to combat spyware, I believe that four overarching principles should guide our efforts. First, we must punish the bad actors, while protecting legitimate online companies. Second, we must not over-regulate, but rather encourage innovative new services and the growth of the Internet. Third, we must not stifle the tree market interactions between consumers and service providers. Fourth, we must target the behavior, not the technology. It is my hope that any legislation Congress enacts to combat spyware will adhere to these core principles.

On May 23, 2005, the House of Representatives passed legislation, similar to H.R. 964, which sought to solve the spyware problem by targeting the technology, instead of the criminal behavior behind the technology. However, many developments have occurred during the intervening two years which have convinced me that this regulatory approach to combating spyware is even more unwise than previously thought.

For example, just last month, the House Energy and Commerce Committee adopted an amendment to H.R. 964 that would have had enormous consequences for the Internet and online innovation. This amendment would have, in part, regulated Internet “cookies” for the first time under the bill. Internet cookies are used by most websites to enhance consumers' experiences with the Internet and to make the Internet more seamless and navigable with fewer stoplights. To make every online company that uses cookies comply with

the notice and consent regime under the bill would have significantly interfered with consumers' Internet experiences. By forcing consumers to click through even more prescribed alert messages, this change would have, ironically, exacerbated the likelihood that consumers would become desensitized to these notices and click “accept” without reading them. In addition, this desensitization is likely to also give nefarious software installers a false legitimacy since there would be no distinction between the notices they provide and the notices legitimate online companies provide.

Apparently, the Democratic Leadership saw the error in the regulation of cookies and stripped the bill of this language just before the bill came to the Floor today. However, this mistake by the committee highlights the difficulties with trying to impose one-size-fits-all regulations to solve problems involving ever-evolving technologies.

In addition, Chairman Majoras of the Federal Trade Commission testified in October of 2005 that a notice-and-choice approach was not recommended for combating spyware for many reasons. He noted the fact that consumers will be overwhelmed by the notices they will receive when using the Internet and will most likely ignore the notices and click through them.

Furthermore, in the past few years there have been major developments in technological solutions to help consumers combat spyware. Consumer packages are becoming more and more effective in screening out unwanted spyware from their computers and are offered by many Internet service providers, as well as independent software providers.

Finally, a broad cross-section of legitimate online businesses and trade associations has expressed opposition to the regulatory approach of H.R. 964. On June 5, 2007, a coalition of over 30 trade associations and companies, including the U.S. Chamber of Commerce, the National Retail Federation, the Financial Services Roundtable, and numerous technology-based entities, sent a letter to all Members of the House of Representatives detailing their concerns with H.R. 964. This letter specifically expresses opposition to regulating Internet cookies, as well as opposition to including web sites (where consumers willingly submit information online) within in the scope of the legislation.

The better approach to combating spyware would be to target the criminal behavior of those who actually use spyware, and to continue our policy of letting innovative online companies interact with consumers to develop the exciting new online services that consumers have come to enjoy and expect from the Internet.

I have introduced legislation, along with my colleague ZOE LOFGREN of California, to combat spyware by going after the criminals using spyware, rather than trying to regulate all software regardless of whether it is harmful or helpful. This legislation, H.R. 1525, was passed by the House and now awaits further action in the Senate. I urge my colleagues to support this targeted approach.

Mr. BARTON of Texas. Mr. Speaker, the bill we are considering today—the Towns-Bono SPY Act—is an important piece of legislation to me. We've been working on this bill for 4 years now, before many of us ever heard the term “spyware.” I applaud the bipartisan spon-

sors for their unwavering commitment to pass this legislation.

The surreptitious installation of spyware on your computer without your knowledge and without your consent is a little like sneaking into your home and planting a bug: it is an invasion of your privacy and it is clearly wrong. This bill prohibits all the nefarious conduct that is used to harm consumers. The legislation provides the FTC a strong mandate to go after bad actors and their destructive behavior.

There are many important and legitimate business functions of the Internet, and I have no problem with businesses trying to compete and sell their goods and services. And I recognize advertising is a part of commerce. But I feel strongly that there is a line that should not be crossed regarding the sharing of my personal information without first obtaining my consent. Consumers have the right to know if they are being profiled, if their personal information is going to be shared, and with whom it might be shared. My computer and my personal information are my property. This legislation will ensure I have control over both.

This bill strikes a fair balance between the need to protect the functions of legitimate business tools and punishing bad actors.

In closing, I want to thank Chairman RUSH, Chairman DINGELL, and Ranking Member STEARNS for moving the bill through the Committee. I commend MARY BONO and ED TOWNS for their tireless efforts to address this insidious activity.

I urge all of my colleagues to vote for this important piece of legislation and hope that our Senate colleagues will do the same.

Mr. RUSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 964, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

## HUMAN CLONING PROHIBITION ACT OF 2007

Ms. DEGETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2560) to amend the Federal Food, Drug, and Cosmetic Act to prohibit human cloning, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2560

*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 2007”.

### SEC. 2. PROHIBITION AGAINST HUMAN CLONING.

(a) IN GENERAL.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:

**"CHAPTER X—HUMAN CLONING"****"PROHIBITION AGAINST HUMAN CLONING"**

"SEC. 1001. (a) IN GENERAL.—It shall be unlawful for any person—

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

"(2) to ship, mail, transport, or receive the product of human somatic cell nuclear transfer technology knowing that such product is for the purpose of human cloning.

"(b) DEFINITIONS.—For purposes of this section:

"(1) The term 'human cloning' means the implantation of the product of human somatic cell nuclear transfer technology into a uterus or the functional equivalent of a uterus.

"(2) The term 'human somatic cell nuclear transfer technology' means transferring the nuclear material of a human somatic cell into an egg cell from which the nuclear material has been removed or rendered inert.

"(3) The term 'person' includes a governmental entity."

**(b) PROHIBITED ACTS.—**

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(jj) The violation of section 1001(a)."

(2) CRIMINAL PENALTY.—Section 303(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)) is amended by adding at the end the following:

"(7) Notwithstanding subsection (a), any person who violates section 301(jj) shall be imprisoned not more than 10 years or fined in accordance with title 18, United States Code, or both."

(3) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended—

(A) by redesignating subsection (g) as subsection (f); and

(B) by adding at the end the following:

"(g)(1) Any person who violates section 301(jj) shall be liable to the United States for a civil penalty in an amount not to exceed the greater of—

"(A) \$10,000,000; or

"(B) an amount equal to the amount of any gross pecuniary gain derived from such violation multiplied by 2.

"(2) Paragraphs (3) through (5) of subsection (f) apply with respect to a civil penalty under this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under subsection (f)."

(4) FORFEITURE.—Section 303 of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (3), is amended by adding at the end the following:

"(h) Any property, real or personal, derived from or used to commit a violation of section 301(jj), or any property traceable to such property, shall be subject to forfeiture to the United States."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado.

**GENERAL LEAVE**

Ms. DEGETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 2560, the Human Cloning Prohibition Act of 2007. Tomorrow, the House will debate S. 5, the Stem Cell Research Enhancement Act, which will expand the number of stem cell lines that are eligible for federally funded research. Similar to legislation passed in the House earlier this year with overwhelming bipartisan support, the goal of S. 5 is to accelerate scientific progress towards cures and treatments for a wide range of diseases and debilitating health conditions. When we debated the bill in January, opponents of the bill chose to muddle the debate by offering a motion to recommit involving cloning, a topic unrelated to H.R. 3.

After the debate, a number of my colleagues asked me if we could address the issue of human reproductive cloning because they, like I, were opposed to reproductive cloning. So, as we prepare to debate embryonic stem cell research tomorrow, I have introduced H.R. 2560 with my colleague from Connecticut so that we can discuss this important issue.

Since scientists in Scotland were able to create a cloned sheep named Dolly, some have speculated about the possibility of one day cloning human beings. But we can all agree that there is universal opposition to conducting human reproductive cloning and it should be illegal. Human reproductive cloning is morally and scientifically wrong. Unfortunately, at this time, though, there is nothing to prevent irresponsible individuals from conducting research in an attempt to achieve human reproductive cloning. The most effective way to prevent human reproductive cloning in the United States is to pass a Federal prohibition on this practice and impose severe penalties for doing so.

This is why my colleague, Congressman Chris Murphy, and I have introduced the Human Cloning Prohibition Act of 2007. Our bill would make it illegal to use cloning technology to initiate a pregnancy and therefore create a cloned human being. The penalty for such an act would include severe criminal sanctions, in addition to as much as \$10 million in civil fines. These strict penalties are necessary to ensure that such an act is prevented from occurring.

Unbelievably, people actually are opposing this bill because they are seeking to characterize it as a much broader bill. While they make many false claims, the fact of the matter is this legislation today is solely a ban on human reproductive cloning, something that all Members of Congress as well as, I think, the vast majority of the American public support. The accusations that this bill expressly allows something new are completely false.

I also find it ironic that those who oppose our bill argue that one of its

flaws is that it would force all cloned embryos to be killed. The bill bans human reproductive cloning. Nothing more, nothing less. So the argument of those who say they are against cloning is that we should defeat our bill to prevent cloned embryos from being killed. It defies logic, just like it defies logic why anyone would vote against this bill.

Mr. Speaker, I hope today we can take the rhetoric down and that we can focus on what this bill does, which is to prevent human reproductive cloning. We all agree this practice should be banned, so let's pass this bill and make it happen.

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

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

I rise in opposition to H.R. 2560. This bill is being marketed as a ban on human cloning. However, H.R. 2560 does nothing to prevent human cloning. In fact, the bill allows for unlimited cloning of human embryos but prevents women and doctors from trying to implant one of these embryos to initiate a pregnancy. In practice, this means that embryos will be cloned, used for experimentation, harvesting, research, then assigned a death sentence. So cloned embryos would be required by law to die. Not only does this bill allow the practice of cloning to move forward, it also mandates the killing of those human embryos.

The bill before us today is a ruse. It is not a ban on cloning. It is a permission to clone, and I hope no one here today will be confused about what we are being asked to do. The bill's supporters state that this would ban reproductive cloning, but this claim is highly misleading because the language does not restrict the actual act of human cloning by allowing for somatic cell nuclear transfer, a confusing and technical way of defining research cloning.

The bill before us is called the Human Cloning Prohibition Ban, and you might think that it does what it says instead of the opposite of what it says. If it did what it said, I would vote for it. Part of the problem we are having is the consequence of having had no committee process to determine what the bill actually does. We have had no hearings. We have had no markups. In fact, the bill was not even introduced until last night. And now the bill that nobody has seen is on the suspension calendar. Intentional or otherwise, this is another duplicity. The suspension calendar is for noncontroversial measures, like naming post offices, not for highly controversial legislation that is a wolf in Dolly the sheep's clothing.

This bill is bad policy, and so was the process by which it got here. How many times will we have this discussion? The week before Memorial Day we discussed a bill on Medicare payments that came to the House floor the same way. Yesterday, a resolution on how Congress will handle future ethics

matters was introduced on the same day that it was inserted in the suspension calendar with no committee hearings.

□ 1240

The Senate could be forgiven for concluding that the new majority promises for open government are still not being realized after 5 months.

The bill is opposed by the White House. In their statement of administration policy which came out, they said that this would "prohibit human cloning for reproductive purposes but permit the creation of cloned embryos or development of human embryo farms for research which would require destruction of nascent human life."

That is exactly what H.R. 2560 does. It crosses a new moral line by making it a criminal act to let the cloned embryos survive. To put it directly, this bill would create a class of living human beings that must be killed under the law.

Mr. Speaker, this is not progress. It is a disturbing step in the wrong direction. It should be rejected on this floor, and I urge my colleagues to oppose the bill.

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

Ms. DEGETTE. Mr. Speaker, just briefly, as the gentleman from Pennsylvania knows, our committee, the Energy and Commerce Committee, did have robust hearings on cloning several years ago where we brought in several scientists as well as a cult called the Raelians who are actually trying to clone human beings, and that is why we need this kind of limitation.

Mr. Speaker, I am pleased to yield 5 minutes the gentleman from Connecticut (Mr. MURPHY), the cosponsor of the bill.

Mr. MURPHY of Connecticut. Mr. Speaker, I thank my colleague, Representative DEGETTE, for being such a leader on this issue in the past and allowing me to join with her today to offer this very commonsense measure regarding the banning of human reproductive cloning.

I rise in support of this act today. I do so because to me the bill before us is relatively simple. This is a straightforward ban on human reproductive cloning, taking material through somatic cell nuclear transfer and turning that material into a living, breathing human being. As Representative DEGETTE said, nothing more, nothing less.

Under this law, if someone uses cloning technology to initiate a pregnancy and creates a cloned human being, they would face severe criminal and civil sanctions.

This legislation is something that the vast majority of the American public supports, and it is something that all Members of Congress I think should support as well.

In Connecticut, as part of our State's historic Stem Cell Investment Act, which I was very honored to have au-

thored, we recognize that human being reproductive cloning is a practice that perverts the promise of science; and we banned it outright in our legislation. In fact, I think it is pretty amazing that we are standing here having this debate today, that the Federal Government has, until today, not stepped forward and said that human reproductive cloning, bringing that material to the stage of a human being created from that material, is illegal. We should do what we did in Connecticut here today.

Mr. Speaker, I understand that there are some members who want to turn this ban on human reproductive cloning into a ban on somatic cell nuclear transfer, called by some therapeutic cloning, and I understand the discomfort many Members have with this innovative line of stem cell research. Personally, for me, I join the scientific community in my belief that it is this research that holds the most potential for lifesaving treatments and cures.

But I recognize there are those who disagree. However, the debate surrounding this particular disagreement is not the subject of today's legislation. Today's legislation is simply about the line that we all can agree to draw, that which clearly and cleanly prohibits the manipulation of cells or embryos into a cloned human being.

The moral and ethical questions surrounding somatic cell nuclear transfer are legitimate subjects for debate. But that debate will occur later this week when we revisit the comprehensive stem cell authorization bill coming back to this House from the Senate.

Today, Mr. Speaker, our task is simple: Ban what we all agree is beyond the scientific and ethical pale, human reproductive cloning.

We are dealing with an issue as complicated as cloning technology. The morass of scientific arcana and the ease of sound bite simplification can obscure the simple facts. So let's be clear. Today, human cloning, creating a replica of a person's DNA, implanting an embryo into the womb of a woman and creating a new human being out of that material, that practice is legal today in this country with exceptions such as Connecticut and other States that have done the right thing and banned it. With the enactment of this legislation, human reproductive cloning will be illegal. Nothing more, Mr. Speaker, nothing less.

Mr. PITTS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), a leader on this issue.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, beware of false and misleading bill titles.

H.R. 2560, rushed to the floor today after only being introduced several hours ago, is misnamed the "Human Cloning Prohibition Act of 2007."

The fact is, this bill doesn't ban any human cloning at all. Absolutely none.

Researchers are absolutely free, are given the green light, to clone human life to their heart's content, so long as they kill and destroy the cloned human embryo at some point, perhaps weeks, after its creation. As a matter of fact, the legislation makes it a serious crime to allow a cloned human being to survive pass a certain point.

In other words, this bizarre piece of legislation would make it illegal not to kill a cloned human being; and the penalties are stiff, up to 10 years in prison and a \$10 million fine.

By redefining human cloning as "implantation" rather than the creation of a new human being that would be then transferred into a uterus or a functional equivalent, this phony ban sanctions unlimited human cloning for research. Even more bizarre, under the bill, if a woman were to have a cloned human embryo implanted in her womb, she could go to jail for up to 10 years and/or be fined up to \$10 million. Is that something we want to vote for? I think not. The plain language in the Weldon-Stupak cloning ban penalizes those who facilitate the creation of the clone—not the woman.

My colleagues, I am sure all of us are aware of the fact that a cloned human embryo will be indistinguishable from an embryo created using in-vitro fertilization. Dolly the Sheep looked just like every other sheep. How will this be enforced? If a woman is found carrying a cloned baby, are you willing to fine her and send her to jail for 10 years?

Mr. Speaker, the United States should join many countries, including Canada, Germany, Italy and France, in totally banning all cloning. The Democratic leadership should bring the Weldon-Stupak bill to the floor, instead of the DeGette pro-cloning measure.

Finally, what a difference a few years makes. In 2003, Ms. DEGETTE said, "We are not and we do not support creating embryos for the purpose of research." This legislation begs the question. Apparently you do. Why aren't you bringing a total ban before this body?

I would point out when a similar bill to H.R. 2560 was brought to the floor as an amendment in the nature of a substitute by Congressman Jim Greenwood we voted it down 174-231. Charles Krauthammer wrote, and I think this is very insightful, that "Greenwood," and read that now DEGETTE, "is a nightmare and an abomination. It sanctions, licenses and protects the launching of the most ghoulish and dangerous enterprise in modern scientific history, the creation of nascent cloned human life for the sole purpose of its exploitation and destruction."

I urge my colleagues, let's pass a real ban on cloning, not this phony ban.

Ms. DEGETTE. Mr. Speaker, I just would make two points toward the gentleman from New Jersey's comments. The first one is the Weldon-Stupak bill, which he says he supports, also would make it a crime for a woman to carry a cloned embryo in her uterus as a

pregnancy. Frankly, we think that cloning should be a crime. I am surprised to hear the gentleman say that he does not think it should be.

Secondly, the so-called Greenwood-DeGette bill from several sessions of Congress ago that he is referring to is a completely different bill than this bill today. People should probably read the legislation in front of them to see that all this bill does is make reproductive cloning illegal.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a real leader on these issues.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

□ 1250

Mr. LANGEVIN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2560, the Human Cloning Prohibition Act. In recent years, Congress has debated various means of banning human cloning. In an area that can be complex and confusing, I am pleased that this bill, which is exceptionally simple and straightforward, has come to the floor here today. Clearly some of my colleagues on the other side of this issue are among those who find it too complex and are confused. Hopefully we can clarify that before the vote today.

H.R. 2560 would make it illegal to use cloning technology to initiate a pregnancy and thereby create a cloned human being. The bill also includes strict penalties to insure that such an Act is prevented from taking place. Unfortunately, there seems to be some misinformation circulating among my colleagues and outside groups surrounding the implications of this bill.

I want to be very clear, this legislation in no way encourages or endorses therapeutic cloning, otherwise known as somatic cell nuclear transfer or any other type of research. On the contrary, this legislation will simply ensure that as technology advances, ethical safeguards are in place to keep human cloning, something we all agree would be a frightening development, from occurring.

For the record, there are no incentives included in this bill, not even any words of encouragement, for any specific types of research. This bill is a simple ban on human cloning once and for all.

Regardless of my colleagues' feelings on stem cell research or any other type of medical research, I cannot imagine why any of them would oppose a ban on human cloning.

Mr. Speaker, I hope all of my colleagues will take the time to understand what this bill does and what it does not do and why it is important and vote in favor of H.R. 2560.

Mr. PITTS. Mr. Speaker, at this time I would like to yield 5 minutes to a leader on this issue, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding.

This bill before us today entitled the Human Cloning Prohibition Act, is better entitled the "Human Clone Implantation Prohibition Act." Essentially what it does is make it a crime to implant a cloned human embryo in the uterus of a woman.

While the gentlewoman from Colorado has said this is a very different bill from the Greenwood substitute, it is true if you sit down with the two of them and read them, they read differently; but the net effect, let's be serious, is the same. It is the goal pursued by many research scientists, who I assume do not ascribe to a belief in the sanctity of human life, that they want to begin experimentation on human embryos produced through the process of human cloning.

My position when we began debating this issue 5, 6 years ago, remains the same. There are a host of problems with this, not the least of which is that I and millions of Americans like me believe that human life is sacred and we should not be wholesale producing it to be experimented with in the lab and then discarded when the experimentation is done.

Are we really trying to say to the American people we want to make the human embryo the lab rat of the 21st century?

I will add, this is going to create a huge demand for human eggs. It has been very surprising to me to see so many people on the left who claim to be great champions of women's issues, it is going to create a lot of pressure for more human eggs. And the way you get human eggs, it is not a simple, overnight procedure. You have to give women a powerful medication that produces something called superovulation. It has the potential for complications, depression in some 25 percent of the women who get these drugs, possible significant complications requiring hospitalization called the superovulation syndrome.

And who will be donating their eggs to all these research labs? We all know who it will be, it will be women who really need the money. You will probably have problems and complications, suicides from depression. What will end up happening is they will end up going overseas to Third World countries where they can't bring litigation.

This is why many leaders in the feminist movement chose to support the Stupak-Weldon bill over this alternative. It is just down right bad policy.

Let me say as well, the lady said previously that the women could, under my previous bill, could be criminally prosecuted. I disagree wholeheartedly. I thought the language of the Stupak-Weldon bill was very clear, that the criminal act would be the creation of the human embryo through the process of somatic cell nuclear transfer. That is the way they created Dolly; that is the way this process begins.

Let me just say in closing, the process by which we have undergone this,

when we were in the majority, we had committee hearings. We allowed a substitute. And to rush this to the floor on the suspension calendar is an inappropriate way for us to deal with a very, very significant issue.

This, ladies and gentlemen, is a profound slippery slope. They will not be satisfied with doing research on human embryos. The next target will be the human fetus itself, creating human models of disease so research scientists can do research on certain forms of human disease by doing research on human embryos and fetuses. That is the direction we are going, patenting some of those diseased human embryos.

I say this is a place where we should be drawing the line. We should defeat this on the suspension calendar. I believe if you brought it forward under regular order, it would go down under regular order, and I encourage all of my colleague to vote "no" on this piece of legislation.

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

Mr. PITTS. Mr. Speaker, at this time I want to yield 3 minutes to the distinguished ranking member of Energy and Commerce, the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I don't normally come to the floor to talk on suspension bills because normally, suspension bills have been cleared by the majority with the minority and they are bills that we have if not unanimous agreement on, we have general agreement on. But I feel very strongly about this particular bill and the way it is being done.

The gentlelady, who is the chief sponsor of the bill, the gentlewoman from Colorado (Ms. DEGETTE) is a good friend of mine. When I was chairman, I helped her and Mr. CASTLE bring to the floor the stem cell bill which was very controversial and which the President ultimately vetoed. I voted for that bill, and spoke for the bill on the floor. We had an arrangement between Mr. DINGELL and myself about how we were going to bring that bill to the floor. Ms. DEGETTE and Mr. CASTLE were part of that discussion.

This bill was introduced after 7 p.m. last night. JOHN DINGELL didn't call me. DIANE DEGETTE didn't call me. We can't find anybody from the majority who called anybody on the minority. There have been no hearings on the bill. There has been no markup of the bill. We just basically take the gentlelady's word that it is what it is.

We know that cloning is controversial. We know that most of us in this body are opposed to human cloning, for whatever purpose. There is a good chance if we had a legislative hearing, we had a markup, we could probably come to a consensus on a bill that Mr. WELDON could support and Mr. SMITH could support and Ms. DEGETTE could support; but not this bill. Not this process.

A bill is introduced at 7:30 one night and is on the floor of the suspension calendar the next day, there have been no hearings, no process, and you can't amend it because it is under suspension of the rules. I think that is a subversion of the process.

It is a way to give some Members a vote for political cover because tomorrow when the main stem cell bill comes up, which was noticed last week, the last time the stem cell bill was on the floor, the minority who has the right to offer a motion to recommit, part of the motion to recommit dealt with cloning, and some of the Members in the majority voted for it.

□ 1300

So this is a way for the majority to give some Members of their party a way to vote for a cloning bill so they can vote against the motion to recommit tomorrow, if that's what it is. So I understand the political strategy, but I don't understand the process of ignoring the Energy and Commerce Committee repeatedly, and I don't understand a bill as controversial as this being brought under suspension with no hearings and a bill that wasn't even introduced until after dark last night.

That's wrong. I hope we vote "no," N-O, "no."

Ms. DEGETTE. Mr. Speaker, I continue to reserve.

Mr. PITTS. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 5½ minutes remaining. The gentlewoman from Colorado has 9 minutes remaining.

Mr. PITTS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Texas, the ranking member of Energy and Commerce, who just spoke from the well, he said it exactly right. This is a political ploy, bringing this bill up under suspension, in my opinion, Mr. Speaker, to give Members on the other side of the aisle the opportunity for cover on this bill, this Castle-DeGette legislation that's coming up tomorrow.

When King Solomon ordered that the baby be cut in half, Mr. Speaker, who knew that someone would actually take him up on the offer. And yet regrettably, this bill before us today, H.R. 2560, it aims to figuratively and literally cut the baby in half.

Supporters of this legislation claim that H.R. 2650 bans human cloning. This claim could not be further from the truth. If we really want to ban human cloning, then the gentleman from Florida (Mr. WELDON) and the gentleman from Michigan (Mr. STUPAK), in a bipartisan way, they have the right bill, and this was reintroduced by Representative WELDON last night. I'm a proud cosponsor of that. That bans human cloning for any purpose, reproductive or research.

I'm not impugning the motive of Representative DEGETTE, maybe it's

inadvertent, and maybe hopefully she understands through this discussion today about the bill that, inadvertently, this promotes cloning for research purposes.

We believe, those of us who are part of the pro-life caucus, strongly believe that when you clone a human Dolly, that is a human being, and then you slice it and dice it to get stem cells and then it's required that you destroy it because it becomes a crime if it's implanted in a woman to become a child. Then we say that you are indeed creating life and destroying life, not maybe for the purpose of reproduction but for the purpose of research, and that is wrong.

And that is why we need to vote down this bill today, and I strongly oppose it.

Ms. DEGETTE. Mr. Speaker, we have no further speakers, and so we're prepared to close. And, with that, I reserve my time.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I stand before this House and say that I oppose human cloning.

As a physician, I'm extremely concerned about the consequences of human cloning and all of its ramifications, but this bill doesn't ban human cloning, not as we all know it.

The author says, read the bill. Well, I would suggest to my colleagues, that is exactly what they ought to do, read the bill.

The definition on page 2 of human cloning says, "The term 'human cloning' means the implantation of the product of human somatic cell nuclear transfer technology into a uterus or the functional equivalent of a uterus." It confines the definition to implantation. Cloning means to copy. Human cloning means to copy a human.

Dorland's medical dictionary definition of human cloning is, "The transplantation of a nucleus from a somatic cell into an ovum which then develops into an embryo." It doesn't confine it to implantation, because implantation is the next step.

Cloning doesn't have to do with implantation. This is another, Mr. Speaker, in a long list of Orwellian democracy actions by this majority, saying one thing and doing another. This bill wouldn't ban human cloning at all.

What a shame, what a sham. I urge my colleagues to read the bill. I urge my colleagues to vote "no."

Mr. PITTS. Mr. Speaker, let me just say in conclusion that, as we all know, Dolly the sheep was a cloned animal. Let me remind you that Dolly the sheep was the 277th try. There were 276 before her who were defective and deformed and died. In fact, the history of cloning is replete with defects, deformity and death; and as they seek to create little human embryos for the purposes of research and experimentation and harvesting and death, we should remember this fact.

The researcher in South Korea that failed to identify what he was doing, Dr. Hwang, and his team obtained 2,000 eggs from over 100 women that they paid for their cloning attempts.

Human cloning exploits women. It ushers in an era of eugenics. It embraces a utilitarian view of humans. It involves the creation of little human embryos for research experiments. And for these reasons and all the reasons that are stated, I urge my colleagues to oppose this bill.

Mr. Speaker, I yield back the balance of my time.

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

Well, I've been in Congress now 10 years; and some days I feel like I'm in Alice in Wonderland. Today happens to be one of them. Because when you listen to the arguments from the other side you'd never dream that the bill under consideration right now is a ban on human reproductive cloning.

Maybe I will start by talking about the status of the law in the United States today. Right now, in the United States, SCNT, somatic cell nuclear transfer, is legal. It is legal today, and there is nothing about H.R. 2560, the Human Cloning Prohibition Act, that changes that or alters it in any way.

We hear the other side talking about egg farms and forcing women to donate eggs and all of that. If that was going to happen, it would be happening today because this bill does nothing to stop the status of current law on SCNT or therapeutic cloning.

What we do have happening today, however, is there are some unethical scientists who are trying to do reproductive cloning. They are trying to take the results of SCNT, implant them in women's uteruses and create cloned human beings.

I just heard my colleague from Pennsylvania talking about Dolly the sheep and all of the failed attempts with animal cloning before Dolly the sheep. He is absolutely right. It is a terrible problem, and that is why it is reprehensible and immoral to try to clone human beings. That is also why we need to make it illegal in this country.

He also talked about the example of South Korea, and he's also absolutely right about South Korea. There was an unethical researcher in South Korea who, with no ethical standards or controls, tried to make experiments and lied about the results.

By the way, that's why we need to pass S. 5 tomorrow, because currently in this country there are no ethical controls either over embryonic stem cell research or SCNT research, controls which we could really use in this country, and they certainly could have used in South Korea, but that's all sort of aside from the point.

The point is, right now, in this country it is not illegal to clone a human being for reproductive purposes, and there's a national consensus that it should be.

□ 1310

I do want to apologize to my ranking member, Mr. BARTON, about the process. Perhaps there should have been notice. But the truth is, there is a consensus on reproductive cloning.

This is a simple bill, and we have tried, over the years in Congress, to ban reproductive cloning. The reason we haven't been able to do it is because the other side gets up and makes all of these false arguments, which then complicate the situation, and we have not been able to ban reproductive cloning. We felt that under a suspension calendar, with a clean vote and a simple bill, it would work.

For people who try to say, well, somehow this is going to cause more problems, I can't believe that they would support reproductive cloning. I can't believe that the opponents of this bill would actually vote against a bill that bans reproductive cloning. I can't believe that they would say they think that we would encourage reproductive cloning in this country.

I would tell my colleagues on both sides of the aisle, this vote will be a clear vote today. The vote will be, do you oppose human reproductive cloning and think that it should be a Federal crime in this country, or are you in the pocket of the special interests who will make any argument because they don't think this bill goes far enough to ban other types of research, which are legal right now in this country and for which the results which they fear have not happened to date.

I will say, let's make the clear statement in Congress. Let's stand up for our constituents. Let's ban reproductive cloning today. There is no Member of Congress who supports human reproductive cloning, which is exactly what this bill prohibits.

Vote "yes" on H.R. 2560, and then we can have the rest of this debate tomorrow on S. 5.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 2560, the "Human Cloning Prohibition Act of 2007."

This legislation, offered by my colleague, Representative DEGETTE, specifies that it is illegal to utilize cloning technology for unethical purposes.

The bill text defines human cloning as the implantation of the product of human somatic cell nuclear transfer technology into a uterus.

In my view, H.R. 2560 would allow important stem cell research to be done in an ethical manner.

However, it specifies criminal penalties for individuals who do attempt to clone humans.

Mr. Speaker, as a nurse and long-time member of the Committee on Science and Technology, I have long advocated for federal resources to be used to support stem cell research.

After careful review of the bill text, I feel that this is a sound piece of legislation that does what it says it will do—prohibit stem cell technology from being used unethically to "clone" human beings.

I urge my colleagues to support H.R. 2560.

Mr. SPACE. Mr. Speaker, I rise today in support of H.R. 2560.

Mr. Speaker, I am a fervent supporter of the promise and optimism of embryonic stem cell research. As the father of a child who suffers from juvenile diabetes, I know full well the importance of stem cell research in developing a cure for life threatening diseases. For millions of Americans like my son, stem cell research represents promising hope of a cure within their lifetime.

Unfortunately, many Americans confuse embryonic stem cell research as human cloning, a practice which I adamantly oppose.

While technological advances continue to give scientists opportunities to explore beyond our horizons, we have an obligation to pursue our goals responsibly. The pursuit of science cannot go unchecked; occasionally, Congress must intervene.

The artificial creation of human life through cloning challenges the ethical foundations of this Nation. The development of human life is a natural process that cannot be replaced by scientists in a laboratory. I cannot in good conscience support a world where the chance and wonder of the birth of a child is eliminated in favor of a cold, sterile process.

Embryonic stem cell research differs from cloning by developing embryos that might otherwise be destroyed for specific functions. The goal of this practice is not to create new human life, but rather to sustain existing human life by replacing failing parts of the human anatomy.

I will always support saving an American life. I cannot support artificially engineering one.

The importance of this distinction is critical. I hope that my colleagues in the House will join me in educating the public on the differences between these practices.

Mr. LAMBORN. Mr. Speaker, I rise today in opposition to H.R. 2560. The purpose of government in free societies is to protect basic human rights, the most important of which is the right to life. It is because of the need to protect that right to life that I oppose this bill. Misnamed "The Human Cloning and Prohibition Act," H.R. 2560 purports to ban human cloning.

I wholeheartedly agree that human cloning should be outlawed. Yet the term "cloning" in this bill does not refer, as it normally does, to the simple act of creating a viable human embryo. Here the word cloning refers only to the implanting of a cloned embryo in a uterus and not to anything that precedes implantation. This bill is silent about and so condones the experimentation upon and destruction of human embryos prior to implantation. Even prior to implantation a human embryo has the entire genetic makeup of a new human being and is worthy of protection.

Those of us who seek to defend life at all stages have long argued that embryonic research would initiate a downward spiral for the sanctity of human life in this country. The government of the greatest nation in the world cannot treat human life as an expendable resource and allow taking the life of its most vulnerable citizens. I urge my colleagues to oppose this bill and to support Representative WELDON's ethical and moral alternative, H.R. 2564, of which I am a cosponsor.

Ms. DEGETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Ms.

DEGETTE) that the House suspend the rules and pass the bill, H.R. 2560.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. PITTS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### PROVIDING FOR CONSIDERATION OF H.R. 2446, AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 453

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2446 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman