

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:23-JUL-1997 15:06:08.00

SUBJECT: Admin. cloning bill

TO: Yolanda L. Comedy (CN=Yolanda L. Comedy/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TEXT:

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D32]MAIL42805530O.216 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

A BILL

To prohibit any attempt to create a human being using somatic cell nuclear transfer, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

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 "Cloning Prohibition Act of 1997".

SECTION 2. FINDINGS.

(a) It has been reported that an adult sheep has been cloned using a technique called somatic cell nuclear transfer, a form of cloning.

(b) The National Bioethics Advisory Commission (NBAC) has reviewed the scientific and ethical implications of this technology's potential use to clone human beings.

(1) NBAC has found that:

(a) Somatic cell nuclear transfer technology may have many applications for biotechnology, livestock production, and new medical approaches including the production of pharmaceutical proteins and prospects for regeneration and repair of human tissues.

(b) However, the possibility of using somatic cell nuclear transfer for the purposes of creating a child entails significant scientific uncertainty and medical risk. Potential risks, known and unknown, could result in harm to a child.

(2) The NBAC concluded unanimously that at this time it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using somatic cell nuclear transfer cloning. The Commission's consensus is based on current scientific information indicating that this technique is not safe to use in humans at this point.

(3) Moreover, in addition to issues of safety, the Commission identified many additional serious ethical concerns which they agreed require a great deal more widespread and careful public deliberation before this technology may be used.

(4) NBAC recommended a continuation of the current moratorium on the use of Federal funds to support any

attempt to create a child by somatic cell nuclear transfer, and an immediate request to all firms, clinicians, investigators, and professional societies to comply voluntarily with the intent of the Federal moratorium.

(5) NBAC further recommended that Federal legislation be enacted to prohibit anyone from attempting, whether in a research or clinical setting, to create a child through somatic cell nuclear transfer cloning.

(6) NBAC also recommended that the United States cooperate with other countries to enforce mutually supported restrictions on this activity.

(7) NBAC specified that the legislation should include a sunset provision and that, prior to the sunset date, an oversight body should review and report on the status of somatic cell nuclear transfer technology and the ethical and social issues associated with its use and recommend whether the prohibition should be continued.

(8) The Commission concluded that any regulatory or legislative actions undertaken to effect the foregoing prohibition should be carefully written so as not to interfere with other important areas of research, such as the cloning of human DNA sequences and cells, which raise neither the scientific nor the ethical issues that arise from the possible creation of children through somatic cell nuclear transfer techniques.

(9) The Commission also found that cloning animals by somatic cell nuclear transfer does not raise the same issues implicated in attempting to use the technique to create a child, and its continuation should only be subject to existing regulations regarding the humane use of animals.

(c) Biomedical research facilities, including those conducting cloning, and reproductive services facilities affect interstate commerce.

SECTION 3. PURPOSES.—The purposes of this Act are—

(a) To prohibit any attempt to create a human being using somatic cell nuclear transfer cloning; and

(b) To provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in humans.

SECTION 4. DEFINITIONS.

(a) "Cloning" means the production of a precise genetic copy of a molecule (including DNA), cell, tissue, plant, animal, or human.

(b) "Somatic cell" means any cell of the body other than germ cells (eggs or sperm).

(c) "Somatic cell nuclear transfer" means the transfer of a cell nucleus from a somatic cell into an egg from which the nucleus has been removed.

SECTION 5. PROHIBITION.—It shall be unlawful for any person or other legal entity, public or private, to perform or use somatic cell nuclear transfer with the intent of introducing the product of that transfer into a woman's womb or in any other way creating a human being.

SECTION 6. PROTECTED BIOMEDICAL RESEARCH.—Nothing in this Act shall restrict other areas of biomedical and agricultural research, including important and promising work that involves:

(1) the use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or

(2) the use of somatic cell nuclear transfer techniques to create animals.

SECTION 7. PENALTIES.—

(a) Any person who intentionally violates Section 5 shall be fined the greater of \$250,000 or two times the gross gain or loss from the offense.

(b) If a person is violating or about to violate Section 5, the Attorney General may commence a civil action in Federal district court to enjoin such violation.

(c) Any property, real or personal, derived from or used to commit a violation or attempted violation of Section 5, or any property traceable to such property, is subject to forfeiture to the United States in accordance with the procedure set forth in Chapter 46 of Title 18 of the United States Code.

(d) The Attorney General of the United States shall have exclusive enforcement authority under this Act.

SECTION 8. EFFECTIVE DATE.—This Act shall apply to somatic cell nuclear transfers performed within five years after the date of its enactment.

SECTION 9. NATIONAL BIOETHICS ADVISORY COMMISSION REPORT.—No later than four and one-half years after the enactment of this Act, the National Bioethics Advisory Commission shall report to the President on (1) the state of the science of somatic cell nuclear transfer; (2) the ethical and social issues associated with the potential use of this technology in humans; and (3) the advisability of continuing the prohibition established by this Act. The Commission is authorized to continue for five years from the date of enactment for this purpose and for other purposes as established in Executive Order 12975 and subsequent amendments to this order.

SECTION 10. RIGHT OF ACTION.—Nothing in this Act shall be construed to give any individual or person a private right of action.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:23-JUL-1997 13:12:00.00

SUBJECT: Cloning bill markup

TO: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TEXT:

----- Forwarded by Jeffrey M. Smith/OSTP/EOP on 07/23/97
01:11 PM -----

Skip.Stiles @ mail.house.gov
07/23/97 10:36:08 AM

Record Type: Record

To: jsmith

cc:

Subject: Cloning bill markup

The markup has been postponed from Thursday to Monday. They are planning to take up the cloning and computer security bills at 3:30 PM Monday and full committee on Wednesday. Stay tuned for details.

The biotech industry is looking at taking a pass on our markup and killing the cloning bill in Commerce. They do not want any bill moving that might allow debate and amendment on human embryo work.

More as it happens.

Skip Stiles
Democratic Legislative Director
House Committee on Science
822 OHOB
Washington, DC 20515

(202) 225-8483
(202) 2260983 (fax)

committee home page - http://www.house.gov/science_democrats/

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:24-JUL-1997 10:05:42.00

SUBJECT: Re: hearing

TO: KathyH (KathyH @ od.nhgri.nih.gov @ INET @ LNGTWY [UNKNOWN])
READ:UNKNOWN

TEXT:

This gets more amazing. I got the bill and it's not due until AFTER the weekend! Are you happy with all of it or is there anything you would like to see changed?

Are you following Ehlers' cloning bill? We're looking at a Monday mark-up and there's some real "stuff" going on. Skip or I can fill you in if you want.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Yolanda L. Comedy (CN=Yolanda L. Comedy/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:25-JUL-1997 10:58:03.00

SUBJECT: Re: Admin. cloning bill

TO: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TEXT:

Rachel,

Please review the E-mail message to Sharp, Sanders, Weldon, Ayala.

Due to your interest in this area, I thought that you may want to review the attached Cloning Bill. Now that you have both the NBAC report and bill, you may be interested in writing a brief note to President Clinton stating your continued interest and complimenting his efforts in this area. If the staff here can be of assistance to you in any way, please do not hesitate to contact me at 202-456-6005. Yolanda

Rachel E. Levinson 07/23/97 03:06:32 PM

Record Type: Record

To: Yolanda L. Comedy/OSTP/EOP

cc:

Subject: Admin. cloning bill

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D90]MAIL49540450L.216 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

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(3) Moreover, in addition to issues of safety, the Commission identified many additional serious ethical concerns which they agreed require a great deal more widespread and careful public deliberation before this technology may be used.

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attempt to create a child by somatic cell nuclear transfer, and an immediate request to all firms, clinicians, investigators, and professional societies to comply voluntarily with the intent of the Federal moratorium.

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(b) If a person is violating or about to violate Section 5, the Attorney General may commence a civil action in Federal district court to enjoin such violation.

(c) Any property, real or personal, derived from or used to commit a violation or attempted violation of Section 5, or any property traceable to such property, is subject to forfeiture to the United States in accordance with the procedure set forth in Chapter 46 of Title 18 of the United States Code.

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SECTION 10. RIGHT OF ACTION.—Nothing in this Act shall be construed to give any individual or person a private right of action.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Yolanda L. Comedy (CN=Yolanda L. Comedy/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:28-JUL-1997 11:15:40.00

SUBJECT: Resending message

TO: vvweld (vvweld @ cmail.monsato.com @ inet [UNKNOWN])
READ:UNKNOWN

TEXT:

My records show that you did not receive this. Yolanda

----- Forwarded by Yolanda L. Comedy/OSTP/EOP on 07/28/97

11:28 AM -----

Yolanda L. Comedy
07/27/97 01:13:10 PM
Record Type: Record

To: Fjayala @ uci.edu @ inet, Sharppa @ mit.edu @ inet, vvweld @
ccmail.monsato.com @ inet

cc: Angela Phillips Diaz/OSTP/EOP, Rachel E. Levinson/OSTP/EOP

Subject:

Greetings,

Due to your interest in this area, I thought that you may want to review
the attached Cloning Bill. I also sent you a copy of NBAC's report on
cloning a couple of weeks ago. If any additional information is needed,
please do not hesitate to contact me (202)456-6005.

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Alicia McKay (CN=Alicia McKay/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:29-JUL-1997 19:01:56.00

SUBJECT: phone message, perhaps for the second time around

TO: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TEXT:

I came across a piece of paper today with the following info on it. It seems as though I would have ordinarily routed it to you. However, if action has already taken place with this, I'm thinking that due to nature of the request, I was asked to direct it elsewhere. (???)

Denise Lastnick with the University of Texas, Austin (@: 512/ 708-8611) requested info on anything that was discussed in a G-7 Summit Meeting, having taken place in Denver, CO Re: the cloning issue.

Again, I recall speaking with someone on this issue, I just don't recall who with. Also, I've been unable to locate an earlier electronic record of this message. Please advise.

Alicia

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:29-JUL-1997 16:13:35.00

SUBJECT: Cloning Bill

TO: Lucia A. Wyman (CN=Lucia A. Wyman/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Clifford J. Gabriel (CN=Clifford J. Gabriel/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

CC: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TEXT:

Ehlers' bill, as amended, was passed by the Science committee with the addition of one of Lynn Rivers' amendments, a savings clause that protects some biomedical research. Her other amendments that would have narrowed the subject matter were defeated, largely because the Democrats went off to the WH at 2. Connie Morella and Roscoe Bartlett offered their concerns about the bill and might have carried Rivers' language but it was not to be despite the masterful efforts of Ben Wu and minority staff.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lucia A. Wyman (CN=Lucia A. Wyman/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-JUL-1997 10:51:25.00

SUBJECT: Cloning

TO: Jessica L. Gibson (CN=Jessica L. Gibson/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Virginia N. Rustique (CN=Virginia N. Rustique/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Susan A. Brophy (CN=Susan A. Brophy/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Raymond E. Donnelly III (CN=Raymond E. Donnelly III/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: John L. Hilley (CN=John L. Hilley/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

House Science Committee will mark-up Rep. Ehlers (R-MI) cloning bill. It makes permanent prohibition on use of federal funds for cloning of human. It also addresses cloning for embryo research. Will know more after 1pm.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:30-JUL-1997 11:36:21.00

SUBJECT: Status of Aderholt amendment

TO: dw20a (dw20a @ nih.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: ls25d (ls25d @ nih.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: ah14e (ah14e @ nih.gov @ inet [UNKNOWN])
READ:UNKNOWN

TEXT:

There is a new July 28 version that only has some minor tweaking, although it now refers to exemptions - Disclosure of research RESULTS and non applicability of research FUNDED in DOD.

Don't know when markup is going to happen. Things are looking grim. I am redoing from ground zero a letter for Jack to sign. OMB is scrambling.

Things also look bad for the cloning bill. Ehlers prevailed largely due to all the Dems leaving for a WH reception right before the votes. Only one of Lynn Rivers' amendments passed--but it was an important one-- the savings clause to protect biomedical research. Same as the one in the Admin bill with the addition of "cells other than human embryo cells." Roscoe Bartlett and Morella tried hard but it got away from them. Without the party and an Obey vote, it might have been close.

----- Forwarded by Rachel E. Levinson/OSTP/EOP on
07/30/97 11:24 AM -----

Sybil Francis
07/29/97 06:08:33 PM
Record Type: Record

To: Clifford J. Gabriel/OSTP/EOP, Rachel E. Levinson/OSTP/EOP
cc:
Subject: Status of Aderholt amendment

FYI - From Skip Stiles, in case you haven't seen - Sybil
----- Forwarded by Sybil Francis/OSTP/EOP on 07/29/97
05:06 PM -----

Skip.Stiles @ mail.house.gov

07/29/97 05:48:52 PM

Record Type: Record

To: Skip.Stiles @ mail.house.gov

cc:

Subject: Status of Aderholt amendment

The markup on the Treasury, Postal service and General Government Appropriations bill was recessed before the Aderholt amendment was offered. We expect the Committee to reconvene on Thursday. The Aderholt amendment has changed again, now with the head of the federal funding agency responsible for determining if the benefits of disclosure are outweighed by the adverse economic harm caused. So NIH, NSF, DOE, etc. will have to make the case-by-case determinations on disclosure of individual research grants funded by them or CRADA's entered into by them. The portion that requires a FOIA-like function on campus and a reading room for review of the data is still intact, however.

In addition, there is a full-blown lobbying effort on the other side of this issue, with the petroleum industry working Members (because of the Harvard "Seven Cities" study) and the National Rifle Association doing the same (because of the CDC gunshot wound study). Members are getting visits and faxes from back home, so it looks like a full legislative alert is in effect.

In addition, there is a fact sheet rebutting the points Congressman Brown made in his July 28 3-page letter to Mr. Livingston objecting to the amendment's inclusion in the bill - this indicates that there is rapid turnaround on the other side. Also, our cause was weakened by Mr. Sensenbrenner's July 28 letter to Mr. Aderholt that states, "I understand that the purpose of the amendment would be to make transparent the scientific basis for promulgating federal regulations. I applaud your efforts to achieve that result." It is obvious at this point that he will not intercede to object to the inclusion of the language at the Rules Committee when they consider this bill in September.

More as we get it.

Skip Stiles
Democratic Legislative Director
House Committee on Science
822 OHOB
Washington, DC 20515

(202) 225-8483

(202) 2260983 (fax)

committee home page - http://www.house.gov/science_democrats/

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: mhenkart@nsf.gov (mhenkart@nsf.gov [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 17:21:15.00

SUBJECT: Another try to transmit Functional Genomics

TO: MSTeinboCK@NOVELL1.pw.usda.gov (MSTeinboCK@NOVELL1.pw.usda.gov [UNKNOWN])
READ:UNKNOWN

TO: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])
READ:UNKNOWN

TO: tbrady@nsf.gov (tbrady@nsf.gov [UNKNOWN])
READ:UNKNOWN

TO: daniel.drell@oer.doe.gov (daniel.drell@oer.doe.gov [UNKNOWN])
READ:UNKNOWN

CC: bioad@nsf.gov (bioad@nsf.gov [UNKNOWN])
READ:UNKNOWN

TEXT:

Here is the same draft document I sent as an attachment last night.
This may be easier to read. When we agree on the final version I will
fax it to Martha in case the format gets lost via email.

Maryanna Henkart

Functional Genomics

Advances in genome sequencing technology are resulting in an explosion of genome sequence information which is already changing the kinds of scientific questions that can be asked. A number of microbial genomes including the yeast genome have already been completed and published. It is estimated that within the next 5 years as many as 50 complete genomes will be sequenced. In principle, the genome of an organism contains all the information necessary to understand its development and function. But having the DNA sequence of an organism in a database is only the beginning. How is DNA sequence related to function? This is the new world of "functional genomics".

Since this, clearly, is too broad a subject for a two-day workshop, we propose one of the following more focused topics to be considered for the October 1998 workshop.

1½ Comparative Genomics: By October of 1998, the contributions of models we now have and the selection of further models will have progressed far beyond where we are today. What are we learning from comparing genomes of various model organisms? What are further key organisms that would be a good investment for sequencing particularly

models for biotechnology applications beyond health? Examples might include plant genomes (by October of 1998 various groups working on grasses will know much better than they do now how far the idea of "synteny" in grass chromosomes can be taken), fish, crustacea, mollusks, etc. The information coming from these studies may revolutionize how genomics of related groups is done.

½ Functional Microbial Genomics: By October of 1998 we should have the complete sequences of 20-25 microbial genomes. What will we have learned from these genomes? For example, a number of groups are working on cloning and characterizing the genes and pathways for a wide variety of compounds (with other than medical interest) from unknown microorganisms from soil, thermal vents, etc. This work holds great promise and could be compared with what we are getting from sequencing of more conventional model microorganisms.

½ How genes work:

-What individual genes do. Preparation and use of "knockout" libraries for all known genes in model prokaryotes, yeast, Arabidopsis, and other organisms has been proposed and, in some cases these are under development. There are major laboratories in both the US and European Union attempting to do this in yeast and Arabidopsis.

-How genes work together in context. This is truly the "grand challenge" of functional genomics. There now are data for several organisms indicating which genes are expressed specifically in which tissues, and at which developmental stages. What these genes do and how are they controlled are leading edge questions. Suggested examples for inclusion in the workshop are, development (Studies in Drosophila are progressing rapidly.), or the molecular mechanisms of an organism's response to the environment (Research on the model plant, Arabidopsis, is contributing to understanding of regulatory networks of gene products in light responses, defense responses and responses to hormones.)

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: dablake@aamc.org (dablake@aamc.org [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 17:19:49.00

SUBJECT: Adhoc: HR 922, cloning bill -Reply

TO: stipton@asrm.com (stipton@asrm.com [UNKNOWN])

READ:UNKNOWN

TO: adhoc@aamcinfo.aamc.org (adhoc@aamcinfo.aamc.org [UNKNOWN])

READ:UNKNOWN

TEXT:

I agree with Sean...the U.S. seems hell bent on withdrawal from one of the most important areas of biomedical research in the next 10 years...

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Skip.Stiles@mail.house.gov (Skip.Stiles@mail.house.gov [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 15:23:06.00

SUBJECT: The last update before summer vacation

TO: Skip.Stiles@mail.house.gov (Skip.Stiles@mail.house.gov [UNKNOWN])
READ:UNKNOWN

TO: Bob.Palmer@mail.house.gov (Bob.Palmer@mail.house.gov [UNKNOWN])
READ:UNKNOWN

TEXT:

Next week will be a full one, but they still won't finish all of the scheduled work before recess (sounds a little like the 5th grade, non?). We are in Monday for suspension bills and the Legislative Branch appropriations. Tuesday, we start appropriations bills in the following order: DoD Approps, Labor HHS Approps, Foreign Operations Approps, and Commerce State Justice Approps. The rest (Treasury Postal and DC Approps) will wait until September. We will be in late all week (except Tuesday when we get up at about 5 for the Congressional Baseball game) and will be in Friday.

Issues around these bills are many. DoD bill has cuts to university research accounts (the 6.1 accounts) and there seems to be continuing competition between research and procurement for tightening DoD dollars. Reaction against the Perry/Deutch approach to DoD budgeting that favors R&D, the fact that a R&D dollar gets more savings in outlays than a procurement dollar (it takes longer to 'spend' a dollar on a weapons system than an R&D grant - the former takes years to actually be ready for purchase but the latter goes out the door when the grant is awarded), lingering prejudice against the "university crowd" - who knows what is up.

Labor HHS - issues here are the usual sexual politics ones: abortion, notification of parents when minors seek information about STD's from clinics (that's sexually transmitted diseases for those of you who do not read magazines or newspapers), etc. . Nothing better or worse for NIH funding on the screen yet.

Commerce State Justice - Issues here are mostly around holding up the Census money (The Republicans object to the Administration plan to use sampling in the Census to reduce the undercount of mostly lower income and transient populations.), and terminating the Legal Services Corporation.

OF CONCERN TO THE RESEARCH COMMUNITY = An amendment will be offered Monday Afternoon in the full Appropriations Committee by Mr. Anderholt to the Treasury, Postal, General Government Appropriations Bill to require the disclosure of any non-NIH funded research. As a condition of any federal grant outside of NIH, the researcher will be required to

make publicly available the results of their research, (including supporting data and methodologies) upon request. Exemptions are allowed when proprietary rights are involved. This issue comes from NRA's anger at not being able to get the results of federally-funded research on gunshot wounds and from the industrial community's being upset at not getting access to the Harvard "Five Cities" study used in support of the EPA air quality regs.

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Skip Stiles
Democratic Legislative Director
House Committee on Science
822 OHOB
Washington, DC 20515

(202) 225-8483
(202) 2260983 (fax)

committee home page - http://www.house.gov/science_democrats/

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Skip.Stiles@mail.house.gov (Skip.Stiles@mail.house.gov [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 17:25:54.00

SUBJECT: The last update before summer vacation

TO: Skip.Stiles@mail.house.gov (Skip.Stiles@mail.house.gov [UNKNOWN])

READ:UNKNOWN

TO: Bob.Palmer@mail.house.gov (Bob.Palmer@mail.house.gov [UNKNOWN])

READ:UNKNOWN

TEXT:

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: SimonS@od6100m1.od.nih.gov (SimonS@od6100m1.od.nih.gov [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 17:21:52.00

SUBJECT: Revised CAP Consensus Statement Re: Stored Tissue

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Dr. Sobel informed me that he is not at liberty to fax a copy of the revised consensus statement until Aug. 15. As soon as he makes it available I will distribute it to the Commission. In the meantime, however, he is willing to answer any specific questions that anyone might have about the revised draft. His number is (301) 496-7999.

Sean

Sean A. Simon
Analyst
National Bioethics Advisory Commission (NBAC)
ph: 301.402.4242
fax: 301.402.0906

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Skip.Stiles@mail.house.gov (Skip.Stiles@mail.house.gov [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 15:23:07.00

SUBJECT: Cloning bill markup

TO: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP [OSTP])
READ:UNKNOWN

TEXT:

The markup has been postponed from Thursday to Monday. They are planning to take up the cloning and computer security bills at 3:30 PM Monday and full committee on Wednesday. Stay tuned for details.

The biotech industry is looking at taking a pass on our markup and killing the cloning bill in Commerce. They do not want any bill moving that might allow debate and amendment on human embryo work.

More as it happens.

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: HOUSERA@od1tm1.od.nih.gov@INET@LNGTWY (
HOUSERA@od1tm1.od.nih.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 17:20:31.00

SUBJECT: Re: Status of Aderholt amendment

TO: Rachel E. Levinson@EOP (Rachel E. Levinson@EOP [OSTP])
READ:UNKNOWN

TEXT:
Thank you so much! We'll keep in touch.

From:
Rachel_E_Levinson@oa.eop.gov[SMTP:Rachel_E_Levinson@oa.eop.gov]
Sent: Wednesday, July 30, 1997 11:37 AM
To: ah14e@nih.gov; dw20a@nih.gov; ls25d@nih.gov
Subject: Status of Aderholt amendment

Message Creation Date was at 30-JUL-1997 11:37:00

There is a new July 28 version that only has some minor
tweaking, although it
now refers to exemptions - Disclosure of research RESULTS and
non
applicability of research FUNDED in DOD.

Don't know when markup is going to happen. Things are looking
grim. I am
redoing from ground zero a letter for Jack to sign. OMB is
scrambling.

Things also look bad for the cloning bill. Ehlers prevailed
largely due to
all the Dems leaving for a WH reception right before the votes.
Only one of
Lynn Rivers' amendments passed--but it was an important one--
the savings
clause to protect biomedical research. Same as the one in the
Admin bill with
the addition of "cells other than human embryo cells." Roscoe
Bartlett and
Morella tried hard but it got away from them. Without the party
and an Obey
vote, it might have been close.

----- Forwarded by Rachel E. Levinson/OSTP/EOP
on 07/30/97
11:24 AM -----

Sybil Francis
07/29/97 06:08:33 PM
Record Type: Record

To: Clifford J. Gabriel/OSTP/EOP, Rachel E. Levinson/OSTP/EOP
cc:
Subject: Status of Aderholt amendment

FYI - From Skip Stiles, in case you haven't seen - Sybil
----- Forwarded by Sybil Francis/OSTP/EOP on
07/29/97 05:06 PM

Skip.Stiles @ mail.house.gov
07/29/97 05:48:52 PM
Record Type: Record

To: Skip.Stiles @ mail.house.gov
cc:
Subject: Status of Aderholt amendment

The markup on the Treasury, Postal service and General
Government
Appropriations bill was recessed before the Aderholt amendment
was
offered. We expect the Committee to reconvene on Thursday. The
Aderholt amendment has changed again, now with the head of the
federal funding
agency responsible for determining if the benefits of disclosure
are outweighed by the adverse economic harm caused. So NIH,
NSF, DOE,
etc. will have to make the case-by-case determinations on
disclosure of
individual research grants funded by them or CRADA's entered
into by
them. The portion that requires a FOIA-like function on campus
and a reading
room for review of the data is still intact, however.

In addition, there is a full-blown lobbying effort on the other
side of this
issue, with the petroleum industry working Members (because of
the
Harvard "Seven Cities" study) and the National Rifle Association
doing
the same (because of the CDC gunshot wound study). Members are
getting
visits and faxes from back home, so it looks like a full

legislative
alert is in effect.

In addition, there is a fact sheet rebutting the points
Congressman
Brown made in his July 28 3-page letter to Mr. Livingston
objecting to
the amendment's inclusion in the bill - this indicates that
there is
rapid turnaround on the other side. Also, our cause was
weakened by Mr.
Sensenbrenner's July 28 letter to Mr. Aderholt that states, "I
understand that the purpose of the amendment would be to make
transparent the scientific basis for promulgating federal
regulations.
I applaud your efforts to achieve that result." It is obvious
at this
point that he will not intercede to object to the inclusion of
the
language at the Rules Committee when they consider this bill in
September.

More as we get it.

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===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01ILUIA550FK003ID5@PMDF.EOP.GOV> for "Rachel E. Levinson"@oa.eop.gov; Wed,

30 Jul 1997 12:04:08 -0400 (EDT)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ILUIA3LTK0003P2R@PMDF.EOP.GOV> for
Rachel_E_Levinson@oa.eop.gov; Wed, 30 Jul 1997 12:04:05 -0400 (EDT)
Received: from imc.nih.gov ([128.231.90.85])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01ILUI9RLE02000F2M@STORM.EOP.GOV> for
Rachel_E._Levinson@oa.eop.gov; Wed, 30 Jul 1997 12:03:48 -0400 (EDT)
Received: by imc.nih.gov with Internet Mail Service (5.0.1458.49)
id <P73P8C6L>; Wed, 30 Jul 1997 12:03:43 -0400
X-Mailer: Internet Mail Service (5.0.1458.49)
X-Priority: 3

===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: stipton@asrm.com (stipton@asrm.com [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 17:21:57.00

SUBJECT: Adhoc: HR 922, cloning bill

TO: adhoc@aamcinfo.aamc.org (adhoc@aamcinfo.aamc.org [UNKNOWN])

READ:UNKNOWN

TEXT:

The House Science Committee this afternoon approved HR 922, the Human Cloning Research Prohibition Act.

What actually got approved was a substitute offered by the sponsor, Mr. Ehlers (R-MI). The bill basically prohibits use of federal funds for any research that includes the use of somatic cell nuclear transfer to produce an embryo, and defines somatic cell as any cell of an embryo fetus child or adult which is not and will not become a sperm or egg cell.

A pro-science amendment which would have improved the definition was offered by Ms. Rivers (D-MI) but rejected. The Committee did accept a second Rivers amendment which made clear that it was still OK to "clone" molecules, DNA, cells or tissues, as long as they are not embryonic, and to "clone" animals.

The bill got a sequential referral, so its next stop is the Commerce Committee.

We are very concerned that this bill rather than a cloning bill, has become a permanent embryo research ban.

--

Sean Tipton

American Society for Reproductive Medicine

202-863-2494 (phone)

202-484-4039 (fax)

stipton@asrm.com

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Skip.Stiles@mail.house.gov (Skip.Stiles@mail.house.gov [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 15:03:07.00

SUBJECT: The last update before summer vacation

TO: Skip.Stiles@mail.house.gov (Skip.Stiles@mail.house.gov [UNKNOWN])
READ:UNKNOWN

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READ:UNKNOWN

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: greider@cshl.org (greider@cshl.org [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 17:20:19.00

SUBJECT: Re: heeeere's POLLY!!!!

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Kathi- you ask

>

>Carol and David, what do you think about this in light of the fact that
NBAC >highlighted the safety concerns (correctly) but did not give much
attention >to the mitochondrial DNA issues?

>

I think, as I always have, that we were right to highlight the safty
issues. Also we DID discuss the mitochondria and mention that there are
significant mitochondria diseases. We only said that the mixing of
mitochondria "per se" in cloning would likley not have a major effect.

I would like to see the experiments that show that there are growth
regulating genes associated with the mitochondria. It sounds interesting,
but I'd like the data.

Carol

Carol Greider, Ph.D.
Cold Spring Harbor Laboratory
P.O. Box 100
Cold Spring Harbor, NY 11724

Phone: (516) 367-8808
Fax: (516) 367-8815
E-mail: greider@cshl.org

"CAUTION: Dates on the calendar are closer than they appear!"

-bumpersticker

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: AlpertS@od.nih.gov (AlpertS@od.nih.gov [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 17:19:26.00

SUBJECT: 1997 State legislative activity on genetics (up until 7/27/97)

TO: TannerR@od6100ml.od.nih.gov (TannerR@od6100ml.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: QUINLANM@od6100ml.od.nih.gov (QUINLANM@od6100ml.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: KnorrH@od6100ml.od.nih.gov (KnorrH@od6100ml.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: FreemanB@od6100ml.od.nih.gov (FreemanB@od6100ml.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: DorseyR@od6100ml.od.nih.gov (DorseyR@od6100ml.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: wraub@osaspe.dhhs.gov (wraub@osaspe.dhhs.gov [UNKNOWN])
READ:UNKNOWN

TO: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])
READ:UNKNOWN

TO: lengstro@osaspe.dhhs.gov (lengstro@osaspe.dhhs.gov [UNKNOWN])
READ:UNKNOWN

TO: dianasj@vm.temple.edu (dianasj@vm.temple.edu [UNKNOWN])
READ:UNKNOWN

TO: lhmiike@mail.health.state.hi.us (lhmiike@mail.health.state.hi.us [UNKNOWN])
READ:UNKNOWN

TO: BetteKra@aol.com (BetteKra@aol.com [UNKNOWN])
READ:UNKNOWN

TO: greider@cshl.org (greider@cshl.org [UNKNOWN])
READ:UNKNOWN

TO: ezeziel_emanuel@dfci.harvard.edu (ezeziel_emanuel@dfci.harvard.edu [UNKNOWN])
READ:UNKNOWN

TO: cox@shgc.stanford.edu (cox@shgc.stanford.edu [UNKNOWN])
READ:UNKNOWN

TO: racharo@facstaff.wisc.edu (racharo@facstaff.wisc.edu [UNKNOWN])
READ:UNKNOWN

TO: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])
READ:UNKNOWN

TO: SimonS@od6100m1.od.nih.gov (SimonS@od6100m1.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: NORRISP@od6100m1.od.nih.gov (NORRISP@od6100m1.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: HullR@od6100m1.od.nih.gov (HullR@od6100m1.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: FeinsteE@od6100m1.od.nih.gov (FeinsteE@od6100m1.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: Riseberg@psc.dhhs.gov (Riseberg@psc.dhhs.gov [UNKNOWN])
READ:UNKNOWN

TO: jmoreno@gwis2.circ.gwu.edu (jmoreno@gwis2.circ.gwu.edu [UNKNOWN])
READ:UNKNOWN

TO: khanna5102@aol.com (khanna5102@aol.com [UNKNOWN])
READ:UNKNOWN

TO: Elisa_Eiseman@rand.org (Elisa_Eiseman@rand.org [UNKNOWN])
READ:UNKNOWN

TO: thm2@po.cwru.edu (thm2@po.cwru.edu [UNKNOWN])
READ:UNKNOWN

TO: bernie@itsa.ucsf.edu (bernie@itsa.ucsf.edu [UNKNOWN])
READ:UNKNOWN

TO: holtzman@mpi.com (holtzman@mpi.com [UNKNOWN])
READ:UNKNOWN

TO: laurie@nami.org (laurie@nami.org [UNKNOWN])
READ:UNKNOWN

TO: rhetaugh@umich.edu (rhetaugh@umich.edu [UNKNOWN])
READ:UNKNOWN

TO: jfc7c@virginia.edu (jfc7c@virginia.edu [UNKNOWN])
READ:UNKNOWN

TO: ecassell@med.cornell.edu (ecassell@med.cornell.edu [UNKNOWN])
READ:UNKNOWN

TO: Trish@NH1.NH.PDX.EDU (Trish@NH1.NH.PDX.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
LEGISLATION IN THE STATES WITH RESPECT TO GENETICS

In the 1997 state legislative season (which in some cases is still ongoing), there has been a lot of activity on various genetic issues. Based on a preliminary analysis, the breakdown of subject matter of legislation introduced and enacted* is as follows:

LEGISLATION RELATED TO HUMANS

Genetic Discrimination:

Health insurance -	62 introduced, 7 enacted
Workplace -	6 introduced, 0 enacted
Health and Life Insurance -	1 introduced, 0 enacted
Various Contexts -	20 introduced, 2 enacted

Child Support/Establishment of Paternity using genetic testing:
16 introduced, 6 enacted

Forensic Analysis/State DNA Registry for Felons:
50 introduced, 14 enacted, 1 vetoed

Genetic Privacy:
18 introduced, 3 enacted, 1 vetoed (see the following discussion of Texas for one example from this category)

Ownership of Genetic Information and/or Tissue samples:
1 introduced, 1 awaiting governor's signature (see following discussion of Oregon)

Genetic Screening or Testing (for newborns or for specific diseases, e.g., Tay Sachs):
13 introduced, 1 enacted

Adoption (e.g., genetic information adoptive parents must be provided about adoptee):
6 introduced, 2 enacted

Miscellaneous:

A few states have introduced legislation to require genetic counselors to be licensed (see the following discussion of New York state for an example), and others have set up state commissions to study various genetic issues.

Also:

Human Cloning Bans:
21 introduced, 0 enacted

LEGISLATION RELATED TO GENETICS IN OTHER CONTEXTS:

Labeling of Genetically Engineered Food Products:
2 introduced, 0 enacted

Genetic Testing and Registration of Animals:
2 introduced, 1 enacted (see next page for one example from New York state)

=====

* = Please note that this "count" is as of July 25, 1997 and may not be perfect. My intent is not an "absolute count" but to show the scope of genetic issues addressed by state legislatures, and the magnitude of activity (by number) for each issue. "Enacted" here includes legislation that is enacted or awaiting the governor's signature (the latter only being the case in a couple of instances).

=====

A few of the state bills are particularly interesting, and are highlighted below.

Texas:

One of the introduced bills would amend the State Constitution to establish a right of privacy in a person's genetic information. (H.J.R. 66)

New York:

1. A bill in both legislative houses would require genetic testing recipients to receive a statement advising them to obtain professional genetic counseling by a "qualified genetic counselor health care provider" prior to signing the informed consent. The bills further provide that tissue samples may, for research purposes, be used for tests other than those for which consent is given. (A.B. 4511, S.B. 3286)

2. A separate bill, which relates to the licensing of dogs, requires that the owner of a dog who seeks to apply for a license of such dog, provide a signed statement that the animal's genetic makeup is solely composed of genes from the species *Canis familiars*. (S.B. 4168)

Oregon:

Consideration of this bill was initiated at the request of Smith, Kline, and Beecham. It currently awaits the governor's signature. The bill will replace current law stating that, "An individual's genetic information is the property of the individual" with the following:

"(1) ...an individual's genetic information and DNA samples are the property of the individual except when the information or sample is used in anonymous research.

(2) A person does not interfere with, infringe upon, misappropriate or otherwise damage an individual's property by obtaining, testing, retaining, disclosing or providing an individual's genetic information or DNA sample solely for anonymous research."

The new language also states that "a person may not retain another individual's genetic information or DNA sample without first obtaining authorization from the individual or the individual's representative, UNLESS: ...(e) retention is for anonymous research."

Anonymous research (really anonymized or unlinked) is defined as "scientific or medical research conducted in such a manner that the identity of a person who has provided a sample, or the identity of a

person from whom genetic information has been obtained, cannot be determined." Genetic information is defined as "the information about an individual or family obtained from: (a) a genetic test; or (b) an individual's DNA sample."

The legislation does not address "anonymous" research that may characterize cultural or ethnic groups of individuals with similar genetic characteristics, even though it does not specifically identify individuals or families. (S.B. 1107)

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: mhenkart@nsf.gov (mhenkart@nsf.gov [UNKNOWN])

CREATION DATE/TIME: 3-AUG-1997 17:21:13.00

SUBJECT: Recent revisions to Functional Genomics

TO: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

TO: msteinbock@novell1.pw.usda.gov (msteinbock@novell1.pw.usda.gov [UNKNOWN])

READ:UNKNOWN

TEXT:

Martha--The following version of the functional genomics draft incorporates suggestions made by Rachel Levinson this morning (Tuesday, July 22). I expect there will be other suggestions, but I wanted you to have this update before things get any more complicated.

Maryanna

Functional Genomics

Advances in genome sequencing technology are resulting in an explosion of genome sequence information which is already changing the kinds of scientific questions that can be asked. A number of microbial genomes including the yeast genome have already been completed and published. It is estimated that within the next 5 years as many as 50 complete genomes will be sequenced. In principle, the genome of an organism contains all the information necessary to understand its development and function. But having the DNA sequence of an organism in a database is only the beginning. How is DNA sequence related to function? This is the new world of "functional genomics".

Since this, clearly, this is too broad a subject for a two-day workshop, we propose one of the following more focused topics to be considered for the October 1998 workshop.

£ Comparative Genomics: By October of 1998, the contributions of models we now have and the selection of further models will have progressed far beyond where we are today. What are we learning from comparing genomes of various model organisms? What are further key organisms that would be a good investment for genome studies particularly models for biotechnology applications? Examples might include plant genomes (by October of 1998 various groups working on grasses will know much better than they do now how far the idea of "synteny" in grass chromosomes can be taken), fish, crustacea, mollusks, livestock, etc. The information coming from these studies may revolutionize how genomics of related groups is done.

£ Functional Microbial Genomics: By October of 1998 we should have the complete sequences of 20-25 microbial genomes. What will we have learned from these genomes? For example, a number of groups are working on cloning and characterizing the genes and pathways for a wide variety of compounds from unknown microorganisms from soil, thermal vents, etc. This work holds great promise and could be compared with what we are getting from sequencing of more conventional model microorganisms.

£ How genes work:

-What individual genes do. Preparation and use of "knockout" libraries for all known genes in model prokaryotes, yeast, Arabidopsis, and other organisms has been proposed and, in some cases these are under development. There are major laboratories in both the US and European Union attempting to do this in yeast and Arabidopsis.

-How genes and their products work together in context. This is truly the "grand challenge" of functional genomics. There now are data for several organisms indicating which genes are expressed specifically in which tissues, and at which developmental stages. What these genes do and how are they controlled are leading edge questions. Suggested examples for inclusion in the workshop are, development (Studies in Drosophila are progressing rapidly.), or the molecular mechanisms of an organism's response to the environment (Research on the model plant, Arabidopsis, is contributing to understanding of regulatory networks of gene products in light responses, defense responses and responses to hormones.)

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: AlpertS@od.nih.gov (AlpertS@od.nih.gov [UNKNOWN])

CREATION DATE/TIME:11-AUG-1997 12:56:11.00

SUBJECT: BNA report on privacy and cloning bills

TO: wraub@osaspe.dhhs.gov (wraub@osaspe.dhhs.gov [UNKNOWN])
READ:UNKNOWN

TO: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])
READ:UNKNOWN

TO: khanna5102@aol.com (khanna5102@aol.com [UNKNOWN])
READ:UNKNOWN

TO: Elisa_Eiseman@rand.org (Elisa_Eiseman@rand.org [UNKNOWN])
READ:UNKNOWN

TO: SimonS@od6100m1.od.nih.gov (SimonS@od6100m1.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: NORRISP@od6100m1.od.nih.gov (NORRISP@od6100m1.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: HullR@od6100m1.od.nih.gov (HullR@od6100m1.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: FeinsteE@od6100m1.od.nih.gov (FeinsteE@od6100m1.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: hts@princeton.edu (hts@princeton.edu [UNKNOWN])
READ:UNKNOWN

TO: thm2@po.cwru.edu (thm2@po.cwru.edu [UNKNOWN])
READ:UNKNOWN

TO: bernie@itsa.ucsf.edu (bernie@itsa.ucsf.edu [UNKNOWN])
READ:UNKNOWN

TO: holtzman@mpi.com (holtzman@mpi.com [UNKNOWN])
READ:UNKNOWN

TO: laurie@nami.org (laurie@nami.org [UNKNOWN])
READ:UNKNOWN

TO: rhetaugh@umich.edu (rhetaugh@umich.edu [UNKNOWN])
READ:UNKNOWN

TO: jfc7c@virginia.edu (jfc7c@virginia.edu [UNKNOWN])
READ:UNKNOWN

TO: ecassell@mail.med.cornell.edu (ecassell@mail.med.cornell.edu [UNKNOWN])
READ:UNKNOWN

TO: abrito@mednet.med.miami.edu (abrito@mednet.med.miami.edu [UNKNOWN])
READ:UNKNOWN

TO: Riseberg@psc.dhhs.gov (Riseberg@psc.dhhs.gov [UNKNOWN])
READ:UNKNOWN

TO: jmoreno@gwis2.circ.gwu.edu (jmoreno@gwis2.circ.gwu.edu [UNKNOWN])
READ:UNKNOWN

TO: lengstro@osaspe.dhhs.gov (lengstro@osaspe.dhhs.gov [UNKNOWN])
READ:UNKNOWN

TO: TannerR@od6100ml.od.nih.gov (TannerR@od6100ml.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: QUINLANM@od6100ml.od.nih.gov (QUINLANM@od6100ml.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: KnorrH@od6100ml.od.nih.gov (KnorrH@od6100ml.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: FreemanB@od6100ml.od.nih.gov (FreemanB@od6100ml.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: DorseyR@od6100ml.od.nih.gov (DorseyR@od6100ml.od.nih.gov [UNKNOWN])
READ:UNKNOWN

TO: dianasj@vm.temple.edu (dianasj@vm.temple.edu [UNKNOWN])
READ:UNKNOWN

TO: lhmiike@mail.health.state.hi.us (lhmiike@mail.health.state.hi.us [UNKNOWN])
READ:UNKNOWN

TO: BetteKra@aol.com (BetteKra@aol.com [UNKNOWN])
READ:UNKNOWN

TO: greider@cshl.org (greider@cshl.org [UNKNOWN])
READ:UNKNOWN

TO: ezekiel_emanuel@dfci.harvard.edu (ezekiel_emanuel@dfci.harvard.edu [UNKNOWN])
READ:UNKNOWN

TO: cox@shgc.stanford.edu (cox@shgc.stanford.edu [UNKNOWN])
READ:UNKNOWN

TO: racharo@facstaff.wisc.edu (racharo@facstaff.wisc.edu [UNKNOWN])
READ:UNKNOWN

TO: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])
READ:UNKNOWN

TO: Trish@NH1.NH.PDX.EDU (Trish@NH1.NH.PDX.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
FYI.

sheri

=====

Volume 5 Number 32 Monday, August 11, 1997

FEDERAL DEVELOPMENTS

Medical Research

LANGUAGE OF PRIVACY, CLONING BILLS THREATENS GENETIC RESEARCH, PhRMA SAYS

Imprecise, broad language of numerous proposed state and federal laws for protecting genetic information or banning human cloning would thwart genetic research, though unintentionally, representatives for the pharmaceutical industry told BNA Aug. 6.

Gillian R. Woollett, an assistant vice president with the Pharmaceutical Research and Manufacturers of America, said many such laws are failing to make crucial distinctions between, for example, patient identifiable medical information and anonymized information or between cloning an entire human being and cloning a human cell.

Further, property rights for genetic information and various restrictive consent requirements, included in numerous state laws, can make genetic research impracticable, Woollett said.

The Pharmaceutical Research and Manufacturers of America, Washington, is a public policy advocate for the pharmaceutical industry.

Jeff Trewwhitt, a PhRMA spokesman, said precise definitions and parameters are needed to balance the need for privacy with the need for genetic information by legitimate research.

According to PhRMA, between 20 and 25 states have genetic privacy laws and 12 bills are pending in Congress that could have an impact on genetic research; some 13 states have drawn up bills to ban human cloning while three such bills have been introduced in Congress.

Critical Distinctions Sought

Bills that address human cloning, Woollett said, should specify clearly that what is prohibited is the cloning of entire human beings, not the cloning of human cells, genes, or tissues.

According to Trewwhitt, cloning human cells is the underlying premise and technique of genetic engineering and biotechnology and many states such as Florida inadvertently have proposed to ban this.

Federal and state patient confidentiality bills also offer overly broad terms, Woollett said. The measure introduced by Rep. Louise Slaughter (D-NY) (HR 306), a bill the administration plans to base its genetic privacy bill on (5 HCPR 1131, 7/21/97), and numerous state bills make no distinction between patient-identifiable medical information and anonymized data, she said.

In July, at a hearing before the House Task Force On Health Records and Genetic Privacy, PhRMA said that biomedical research should have unfettered access to anonymized medical data, including data that may be linked to particular patients but only through codes that are securely protected. Further, with anonymized data, various consent requirements no longer become applicable, Woollett said.

For data on identifiable patients, FDA regulations already exist, governing clinical research, to protect data about those participants, Woollett said.

Additionally, the Slaughter bill entitles patients to access to their genetic information at any point and this could be interpreted to allow patients to revoke use of their information at any point, thereby jeopardizing the quality of scientific research, Woollett said.

Trewhitt said PhRMA has notified the administration of their concerns with pending federal privacy bills. The White House has acknowledged the concern and signaled that it would seek to accommodate it, he said.

Trewhitt said the organization faced its first major wake up call on state activity over a year ago when New Jersey, a state where researched-based drug companies contribute significantly to the economy, sent to its governor for signature a privacy bill that would establish a property right for genetic information.

Woollett said property rights on genetic information allow patients to impose license fees on research companies and can impose on research firms the burden of tracking patients. This would significantly hike the costs of research and slow it down, she said.

New Jersey Gov. Christine Todd Whitman (R) consequently vetoed the bill and upon its return to the legislature, state lawmakers said this was not their intent to hinder genetic research, according to Woollett. Ultimately, the bill was enacted without the property right provision (4 HCPR 1825, 11/25/96).

Florida lawmakers in May enacted legislation that contains a provision establishing a property right for genetic information (5 HCPR 902, 6/9/97). Bills with similar provisions are pending in Michigan, Nebraska, and Oregon, according to a PhRMA state-by-state analysis.

Dealing Directly With Discrimination

Society, Woollett said, needs to address directly the discrimination issue

rather than indirectly through privacy protections.

Locking up data is not in the interest of patients. Society needs to engage in questions such as whether it is prepared to pay the price of covering people with cost-intensive illnesses. This discussion is not happening, she added.

Health and Human Services Secretary Donna Shalala said July 31 that health care discrimination should be addressed since it has a tremendous impact on how people view their privacy (5 HCPR 1208, 8/4/97). She said privacy cannot be addressed fully until Americans are confident that their medical records will not be used to deny them jobs or affordable health insurance.

Privacy must be balanced, Shalala said, with public responsibility to support national priorities such as public health, research, quality care, and the fight against health care fraud and abuse.

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Washington, D.C. 20037

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subsidiary

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:12-AUG-1997 15:49:41.00

SUBJECT: NBAC charter

TO: wraub (wraub @ osaspe.dhhs.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO: hts (hts @ princeton.edu @ inet [UNKNOWN])

READ:UNKNOWN

TEXT:

I have attached the initial draft of a new charter for Jack Gibbons' signature. The only changes from the original are: (1) estimated operating costs have been increased to \$2.5 million, and (2) limit on full Commission meetings increased from 10 to 12 (just in case). Is there anything you would like to change? Some charters have a section on quorum requirement for votes, but it is not essential. I don't foresee any problems getting this version cleared so the fewer changes, the better.

I will be out of the office until Labor Day, beginning tomorrow, but have notified OMB that this is in the works.

Reading the charter points up a few current or future action items:

1. We need to publish the executive summary of the cloning report in the Federal Register.
2. Appointments to fill an unexpired term left vacant (Zeke's, for example) only last for the duration of that term. We can reappoint someone, but it's something to consider in asking a person to come in for a short term.

On a separate, but no less important topic, the House Appropriations committee included language authorizing "interagency funding" for NBAC for FY98. With a little care and feeding on the Senate side it should survive conference, due in mid-September. Something less ephemeral is desirable but not critical at this point.

Hope you're having a nice summer!

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D26]MAIL437975324.216 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

NATIONAL BIOETHICS ADVISORY COMMISSION CHARTER

Purpose

The National Bioethics Advisory Commission will provide advice and make recommendations to the National Science and Technology Council, other appropriate entities and the public, on bioethical issues arising from research on human biology and behavior, and the applications, including the clinical applications, of that research.

Authority

Executive Order 12975. This Commission is governed by the provisions of the Federal Advisory Committee Act (FACA), Public Law 92-463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation of advisory committees, and implementing regulations (41 C.F.R. § 101-6.10).

Functions

The National Bioethics Advisory Commission shall advise, consult with, and make recommendations to the National Science and Technology Council, Federal agencies, and other appropriate entities, and also make available to the public the Commission's advice and recommendations. The Commission's purview includes the appropriateness of departmental, agency, or other governmental programs, policies, assignments, missions, guidelines, and regulations as they relate to bioethical issues arising from research on human biology and behavior, and applications, including the clinical applications, of that research. The Commission shall identify broad, overarching principles to govern the ethical conduct of research, citing individual projects only as illustrations for such principles. The Commission shall not be responsible for the review and approval of individual projects.

As a first priority, the Commission will direct its attention to consideration of:

- A. Protection of the rights and welfare of human research subjects; and
- B. Issues in the management and use of genetic information including but not limited to human gene patenting.

In addition to responding to requests for advice and recommendations from the National Science and Technology Council, the Commission also may accept suggestions for issues for consideration from both the Congress and the public. The Commission also may identify other bioethical issues for the purpose of providing advice and recommendations, subject to the approval of the National Science and Technology Council. The Commission shall consider four criteria in establishing priority for its activities:

- A. The public health or public policy urgency of the bioethical issue.
- B. The relation of the bioethical issue to the goals for Federal investment in science and technology.
- C. The absence of another body able to deliberate fruitfully on the bioethical issue.
- D. The extent of interest in the issue across the government. (The Commission ordinarily will not deliberate on a bioethical issue of interest to just one department or agency.)

Structure

The National Bioethics Advisory Commission shall consist of not more than 18 members including the Chairperson. Appointments shall be made by the President, who shall select from knowledgeable non-Government experts and community representatives with special qualifications and competence to deal effectively with bioethical issues. At least one member shall

be selected from each of the following categories of primary expertise: (i) philosophy/theology; (ii) social/behavioral science; (iii) law; (iv) medicine/allied health professions; and (v) biological research. At least three members shall be selected from the general public, bringing to the Commission expertise other than that listed. The membership shall be approximately evenly balanced between scientists and non-scientists. Close attention will be given to equitable geographic distribution and to ethnic and gender representation.

Members shall be appointed for overlapping four-year terms. Initially, members will be appointed for two-, three- or four-year terms. Terms of more than two years are contingent upon renewal of the National Bioethics Advisory Commission by appropriate action prior to its termination. The Chairperson shall be appointed by the President. The term of office for the Chairperson shall be two years, renewable by appropriate action of the President.

If a vacancy occurs on the Commission, the President shall make an appointment to fulfill the term. Any member appointed to fill a vacancy occurring prior to expiration of the term for which his or her predecessor was appointed shall serve for the remainder of such term. Members may serve after the expiration of their terms until their successors have taken office.

The heads of executive departments and agencies shall, to the extent permitted by law, provide the Commission with such information as it may require for purposes of carrying out its functions.

The Commission may conduct inquiries, hold hearings and establish subcommittees, as necessary.

The Commission is authorized to solicit information from relevant human research subject groups.

The Commission is authorized to conduct analyses and develop reports or other materials. In order to augment the expertise present on the Commission, the Secretary of Health and Human Services is also authorized to contract for the services of non-governmental consultants who may conduct analyses, prepare reports and background papers or prepare other materials for consideration by the Commission, as appropriate.

In order to avoid duplication of effort, the Commission is encouraged to review the deliberations of other entities. The Commission may incorporate or otherwise use the results of the deliberations of other entities as it deems appropriate.

The Assistant to the President for Science and Technology and the Secretary of Health and Human Services shall be notified upon establishment of each subcommittee, and shall be provided information on the name, membership (including chair), function, estimated duration of the subcommittee, and estimated frequency of meetings.

To the extent permitted by law, and subject to the availability of appropriations, the Department of Health and Human Services (DHHS) shall provide NBAC with such funds as may be necessary for the performance of its functions. Management and support services shall be provided by the DHHS.

Meetings

Meetings of the Commission shall be held up to 12 times a year at the call of the Chairperson. Meetings of the subcommittee(s) shall be convened as necessary. A Federal Government official shall be present at all meetings.

Meetings shall be open to the public except as determined otherwise by the Assistant to the President for Science and Technology and the Secretary of Health and Human Services. Advance notice of all meetings shall be given to the public.

Meetings shall be conducted, and records of proceedings kept, as required by applicable laws and Federal regulations.

Compensation

Members may be compensated at a rate not to exceed the maximum pay authorized by 5 U.S.C. 3109, plus per diem and travel expenses as in accordance with standard government travel regulations.

Annual Cost Estimate

The estimated annual cost for operating the National Bioethics Advisory Commission is \$2,500,000.

Reports

Reports by the National Bioethics Advisory Commission on specific issues shall be submitted to the President, the National Science and Technology Council, the appropriate committees of Congress, and other appropriate entities. The Commission may specifically identify the Federal department, agency or other entity to which particular recommendations are directed and request a response from the Federal department, agency or other entity within 180 days of publication of such recommendation.

Executive summaries of each report of the Commission shall be promulgated in the Federal Register. Such summaries shall specifically list the department, agency, or other entity to which any recommendations are directed and the date by which such responses are expected.

An annual report shall be submitted to the National Science and Technology Council and the appropriate committees of Congress. It shall contain, at a minimum, (i) the Commission's function; (ii) a list of members and their business addresses; (iii) the dates and places of meetings; (iv) a summary of the Commission's activities during the year; (v) a summary of the Commission's recommendations made during the year; and (vi) a summary of responses made by departments, agencies, or other entities to the Commission's recommendations during the year.

General Provisions

Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Secretary of Health and Human Services, in accordance with the guidelines and procedures established by the Administrator of General Services.

Termination Date

Unless renewed by appropriate action prior to its expiration, this National Bioethics Advisory Commission will terminate two years from the date of approval of this charter.

Approved:

John H. Gibbons
Assistant to the President for
Science and Technology

Date

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: thm2@po.cwru.edu (thm2@po.cwru.edu [UNKNOWN])

CREATION DATE/TIME:19-AUG-1997 11:32:44.00

SUBJECT: RFP for dog cloning project

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

>Return-Path: cds3@po.cwru.edu
>X-Sender: cds3@pop.cwru.edu
>Date: Tue, 19 Aug 1997 09:38:28 -0400
>To: thm2 (Tom Murray)
>From: Lou Hawthorne <studio@slip.net> (by way of cds3@po.cwru.edu
(Charlene
Soltis
> Harner))
>Subject: RFP for dog cloning project
>
>Dr. Thomas Murray
>Director, Center for Biomedical Ethics
>Case Western Reserve University.
>10900 Euclid Avenue
>Cleveland, Ohio 44106-4976
>
>Dear Dr. Murray:
>
>I'm coordinating a fully-funded project to clone a live dog. In
>researching this project, I've come across your name and that of Case
>Western Reserve University, in the context of cloning. I invite you to
>review our RFP (enclosed) and also to access our website, at:
>
><http://www.missyplicity.com/>
>
>I'm not sure if or to what extent you are involved in practical cloning
>work. If you're not the right person for this project, I'd appreciate
>your forwarding the RFP and/or the URL to other scientists and/or
>institutions you may feel are more appropriate.
>
>Sincerely,
>
>Lou Hawthorne
>
>Project Coordinator
>The Missyplicity Project
>3650 Sacramento Street
>San Francisco, CA 94118
>Voice: 415-775-5781
>Fax: 415-775-5733
>Email: studio@slip.net

><http://www.missyplcity.com/>

>

>-----

>

>Request for Proposals: Cloning of Live Dog

>

>OVERVIEW: This is a call for proposals for the planning and management
>of the cloning of a live dog. This contract is fully funded and will be
>awarded to the individual or team most qualified to carry it out. The #1
>goal of this project is healthy clone pups. The #2 goal is adding to the
>sum of human knowledge.

>

>SUBJECT: The cloning subject is a healthy, 10-year old, mixed breed,
>fixed female dog. The dog is medium-sized, probably part Border Collie
>and part Husky. The dog is a pet, not a lab animal, and the clones will
>be pets as well (though also tracked for research purposes).

>

>PROPOSAL SPECIFICS: Proposals should be 3-5 pages when printed
>(single-spaced, 12 point font). Proposals should address the following
>areas:

>

- >1) Team Qualifications: (individual backgrounds, facilities,
>institutional affiliations, etc.)
- >2) Proposed Methodology (nuclear transfer or other method)
- >3) Dog-Specific Expertise & Methodology (veterinary sub-contracting is
>acceptable)
- >4) Development schedule (your projected timetable, including when you
>can start)
- >5) Budget (expression as a range is acceptable)

>

>PROPOSAL DEADLINE: Proposals must be received by regular mail, fax or
>email not later than September 20th, 1997. Finalists will be announced
>shortly thereafter, and may be asked to submit additional information at
>that time.

>

>PROJECT BACKER: This project is being fully underwritten by one of
>America's richest men, a PhD and distinguished educator. His identity
>will not be disclosed to you unless you are selected as a finalist - and
>then only under a non-disclosure agreement.

>

>PUBLISHING & MEDIA: While you will not be free to disclose the identity
>of the project backer, you will be free to publish your research and
>conclusions related to this project in established scientific journals.
>There may also be some restrictions on your freedom to publish or
>broadcast the "story" of the project - it's popular depiction in both
>documentary and narrative formats. In the event that a documentary is
>made of the project, your image may be used without a release, but
>whether you provide interviews or not will be at your own discretion.

>

>FINANCIAL STRUCTURE: Special consideration will be given to proposals
>incorporating specific financial structures. For instance, teams
>associated with educational institutions should arrange, if possible,
>for funding to be processed as tax-deductible donations to the
>institution, earmarked for the specific department. Teams associated

>with commercial enterprises should research the option of investment in
>their company in exchange for equity and the cloning work. Proposals
>based on "cash-for-services" will also be considered - especially if
>they are competitively priced.

>

>TO RESPOND: You may send your proposal by email, fax, or regular mail,
>to the following:

>

>The Missyplicity Project

>3650 Sacramento Street

>San Francisco, CA 94118

>Fax: 415-775-5733

>Email: studio@slip.net

>

>

>

>

Thomas H. Murray, Ph.D.

Center for Biomedical Ethics

School of Medicine

Case Western Reserve University

10900 Euclid Avenue

Cleveland, OH 44106-4976

Phone: 216/368-6206 Fax: 216/368-8713

thm2@po.cwru.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: lhmiike@mail.health.state.hi.us (lhmiike@mail.health.state.hi.us [UNKNOWN])

CREATION DATE/TIME:19-AUG-1997 21:32:31.00

SUBJECT: Re: RFP for dog cloning project

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Tom Murray wrote:

>
> >Return-Path: cds3@po.cwru.edu
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> >Date: Tue, 19 Aug 1997 09:38:28 -0400
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> >Dr. Thomas Murray
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> >Case Western Reserve University.
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> >I'm not sure if or to what extent you are involved in practical cloning
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> >Lou Hawthorne
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> >Project Coordinator
> >The Missyplicity Project
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> >San Francisco, CA 94118
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> >Fax: 415-775-5733
> >Email: studio@slip.net
> ><http://www.missyplcity.com/>
> >

> >-----

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> >be pets as well (though also tracked for research purposes).

> >

> >PROPOSAL SPECIFICS: Proposals should be 3-5 pages when printed
> >(single-spaced, 12 point font). Proposals should address the following
> >areas:

> >

> >1) Team Qualifications: (individual backgrounds, facilities,
> >institutional affiliations, etc.)

> >2) Proposed Methodology (nuclear transfer or other method)

> >3) Dog-Specific Expertise & Methodology (veterinary sub-contracting is
> >acceptable)

> >4) Development schedule (your projected timetable, including when you
> >can start)

> >5) Budget (expression as a range is acceptable)

> >

> >PROPOSAL DEADLINE: Proposals must be received by regular mail, fax or
> >email not later than September 20th, 1997. Finalists will be announced
> >shortly thereafter, and may be asked to submit additional information
at > >that time.

> >

> >PROJECT BACKER: This project is being fully underwritten by one of
> >America's richest men, a PhD and distinguished educator. His identity
> >will not be disclosed to you unless you are selected as a finalist -
and > >then only under a non-disclosure agreement.

> >

> >PUBLISHING & MEDIA: While you will not be free to disclose the identity
> >of the project backer, you will be free to publish your research and
> >conclusions related to this project in established scientific journals.
> >There may also be some restrictions on your freedom to publish or
> >broadcast the "story" of the project - it's popular depiction in both
> >documentary and narrative formats. In the event that a documentary is
> >made of the project, your image may be used without a release, but
> >whether you provide interviews or not will be at your own discretion.

> >

> >FINANCIAL STRUCTURE: Special consideration will be given to proposals
> >incorporating specific financial structures. For instance, teams
> >associated with educational institutions should arrange, if possible,

> >for funding to be processed as tax-deductible donations to the
> >institution, earmarked for the specific department. Teams associated
> >with commercial enterprises should research the option of investment in
> >their company in exchange for equity and the cloning work. Proposals
> >based on "cash-for-services" will also be considered - especially if
> >they are competitively priced.
> >
> >TO RESPOND: You may send your proposal by email, fax, or regular mail,
> >to the following:
> >
> >The Missyplicity Project
> >3650 Sacramento Street
> >San Francisco, CA 94118
> >Fax: 415-775-5733
> >Email: studio@slip.net
> >
> >
> >
> >
> >Thomas H. Murray, Ph.D.
> >Center for Biomedical Ethics
> >School of Medicine
> >Case Western Reserve University
> >10900 Euclid Avenue
> >Cleveland, OH 44106-4976
> >Phone: 216/368-6206 Fax: 216/368-8713
> >thm2@po.cwru.edu
yeah, right. the weirdos are cruising the internet.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: rherman@deans.umd.edu (rherman@deans.umd.edu [UNKNOWN])

CREATION DATE/TIME:20-AUG-1997 15:02:43.00

SUBJECT: Re: your presentation tomorrow (fwd)

TO: Daniel L. Goroff (CN=Daniel L. Goroff/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

TO: goroff@abel.math.harvard.edu (goroff@abel.math.harvard.edu [OSTP])

READ:UNKNOWN

TEXT:

Forwarded message:

> From kholmay@deans.umd.edu Wed Aug 20 10:59 EDT 1997

> Message-Id: <199708201459.KAA20546@Onyx.deans.umd.edu>

> Comments: Authenticated sender is <kholmay@deans.umd.edu>

> From: "Kathleen Holmay" <kholmay@deans.umd.edu>

> To: rherman@deans.umd.edu

> Date: Wed, 20 Aug 1997 10:58:23 +0000

> MIME-Version: 1.0

> Content-transfer-encoding: 7BIT

> Subject: Re: your presentation tomorrow

> Priority: normal

> X-mailer: Pegasus Mail for Win32 (v2.54)

> Content-Type: text/plain; charset=US-ASCII

> Content-Length: 6332

>

> Richard - This is an FYI re: your remarks to Congressional staffers

> tomorrow - Kathleen

>

> Date: Thu, 21 Aug 1997 23:38:35 -0500

> From: Joseph Krajcik <krajcik@umich.edu>

> To: NARST <NARST-L@science.coe.uwf.edu>

> Subject: Reflections on CSSP

>

> Dear NARST members:

>

> I would appreciate your reflections on the document below. The
documented, > drafted by the Council of Scientific Society Presidents,
will be sent to > Congress.

>

> The Council of Scientific Society Presidents (CSSP) is a collection of
> president-elects, presidents and past-presidents from about 60 groups
such > as Am. Chemical Society, Am. Psychological Assoc. Am. Mathematical
Society, > NARST, AETS, NABT, AAPT, NCTM, etc. They meet twice a year in
Washington

> to discuss issues of common interest and hear from agencies of the

> government that want to know what the scientific community has to say
about

> policy issues. The group typically will draft documents to send to

> congress. At the last meeting in May CSSP debated, drafted and endorsed
a
> statement on cloning research that
> went to members of congress.
>
> This December, CSSP participants will spend the afternoon wrestling with
> what we know from educational research and what that points to for
federal > policy and funding. The attached draft issue paper is a first
effort to > write down what we think members of congress should know about
science and > math education concerns.
>
> Please read this document, give me you reflections and suggest changes.
I > would appreciate your responsesas soon as possible.
>
> Bill Baird, President of AETS, has asked the membership of AETS to
respond > as well.
>
> Thanks much!
>
> joe

CSSP ISSUE PAPER:

> FEDERAL SUPPORT OF SCIENCE AND MATHEMATICS EDUCATION

> =====

> CSSP POSITION: Doubling investment in the nation's science and
> mathematics education, based on sound educational research, to
> provide all the nation's children an effective educational outcome
> in mathematics and science, must be a top national priority over
> the next decade.

> OVER THE NEXT TEN YEARS THE FEDERAL GOVERNMENT SHOULD DOUBLE ITS > INVESTMENT IN SCIENCE AND MATHEMATICS EDUCATION

> ** Americans overwhelmingly agree that science and technology
> should occupy a key place on the national agenda. Seven of eight
> (84%) agree that it is important that the USA be the world leader
> in technological progress. Four of five (80%) agree that
> encouraging our young people to go into science should be a top
> national priority, and 80% agree that education of our children
> should be a top federal priority.

> ** International studies show that the nation's high school
> children do not reach the levels of world class performance
> achieved by the majority of the world's children in science and
> mathematics. Teachers need much more extensive education in
> science and mathematics to improve the quality of science and
> mathematics education. Over 70% of the nation's physics teachers
> have never taken a course in physics; over 35% of other science
> teachers have never taken a course in the subject they taught.
> Over 98% of the institutions educating new science teachers do not
> follow up on their new teacher graduates to determine how well
> they learned to perform as teachers. Over 90% of American adults
> are currently considered science illiterate.

>
> ** In an increasingly technological world, where jobs
> require more advanced skills and the ability to think and solve
> problems, it is imperative that the United States provide all
> students with a world-class, solid foundation in mathematics and
> science education. To remain competitive in a global economy, to
> ensure economic security, and to form effective public policy
> throughout the 21st century, we as a nation require citizens who
> are science and mathematics literate, and who truly understand and
> effectively use their knowledge.

>
> ** To meet the challenge, the federal investment in math and
> science education needs to double over the next decade, and the
> federal role in education should rapidly evolve to become
> catalytic, based on substantially expanded research on how to
> improve learning outcomes. The seven priorities for educational
> research adopted by the Department of Education in 1997 are
> appropriate guidelines for such increased investment.

>
> ** Our children represent only 20% of our population, but
> they represent 100% of our future. Investing in science and
> mathematics educational leadership now will determine the security
> and economic competitiveness of the nation in the 21st century.
> When the USA chooses to stand still, our competitors do not. For
> example, in 1975 the US and Asia each graduated about 60,000
> engineers; by 1996 the US graduated annually 65,000 and Asia
> graduated 300,000 engineers/year.

>
> ** Without a coherent vision for mathematics and science
> education, many independent efforts at curriculum reform have a
> scattershot effect. The nation has developed Professional
> Teaching Standards, Curriculum and Evaluation Standards for School
> Mathematics and National Science Education Standards. These new
> standards provide the basis for many clearly needed improvements
> in teaching, curriculum, pedagogy, assessments of educational
> progress, and in school systems. Legislation facilitating the
> effective implementation of these, and future research-based new
> standards, must become a national priority.

>
> _____
>
> CSSP Conclusion: The federal investment in math and science
> education should be doubled over ten years, should allocate
> resources based on sound educational research, and should become
> catalytic for measured improvement in learner outcomes.

>
> DRAFT VERSION - DO NOT CIRCULATE Aug. 14, 1997

>
> Joseph S. Krajcik, Ph.D.
> Associate Professor, Science Education
> President-Elect, National Association for Research in Science Teaching
> School of Education
> University of Michigan
> Ann Arbor, Michigan 48109-1259

> Office: 313-647-0597
> Fax: 313-763-1368
> email: krajcik@umich.edu
> URL: <http://www-personal.umich.edu/~krajcik>

>

>

>

> =====

> Kathleen Holmay - 9607 Kingston Road; Kensington MD 20895-3521
> Tel: 301-942-9595 - Fax: 301-942-2777 - Eml: kholmay@deans.umd.edu

> =====

>

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: thm2@po.cwru.edu (thm2@po.cwru.edu [UNKNOWN])

CREATION DATE/TIME:20-AUG-1997 08:34:59.00

SUBJECT: Re: RFP for dog cloning project

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Larry,

I thought you might enjoy this one.

Tom

>Tom Murray wrote:

>>
>> >Return-Path: cds3@po.cwru.edu
>> >X-Sender: cds3@pop.cwru.edu
>> >Date: Tue, 19 Aug 1997 09:38:28 -0400
>> >To: thm2 (Tom Murray)
>> >From: Lou Hawthorne <studio@slip.net> (by way of cds3@po.cwru.edu
(Charlene
>> Soltis
>> > Harner))
>> >Subject: RFP for dog cloning project
>> >
>> >Dr. Thomas Murray
>> >Director, Center for Biomedical Ethics
>> >Case Western Reserve University.
>> >10900 Euclid Avenue
>> >Cleveland, Ohio 44106-4976
>> >
>> >Dear Dr. Murray:
>> >
>> >I'm coordinating a fully-funded project to clone a live dog. In
>> >researching this project, I've come across your name and that of Case
>> >Western Reserve University, in the context of cloning. I invite you to
>> >review our RFP (enclosed) and also to access our website, at:
>> >
>> ><http://www.missyplicity.com/>
>> >
>> >I'm not sure if or to what extent you are involved in practical cloning
>> >work. If you're not the right person for this project, I'd appreciate
>> >your forwarding the RFP and/or the URL to other scientists and/or
>> >institutions you may feel are more appropriate.
>> >
>> >Sincerely,
>> >
>> >Lou Hawthorne

>> >

>> >Project Coordinator

>> >The Missyplicity Project

>> >3650 Sacramento Street

>> >San Francisco, CA 94118

>> >Voice: 415-775-5781

>> >Fax: 415-775-5733

>> >Email: studio@slip.net

>> ><http://www.missyplicity.com/>

>> >

>> >-----

>> >

>> >Request for Proposals: Cloning of Live Dog

>> >

>> >OVERVIEW: This is a call for proposals for the planning and management

>> >of the cloning of a live dog. This contract is fully funded and will

be >> >awarded to the individual or team most qualified to carry it out.

The #1 >> >goal of this project is healthy clone pups. The #2 goal is

adding to the >> >sum of human knowledge.

>> >

>> >SUBJECT: The cloning subject is a healthy, 10-year old, mixed breed,

>> >fixed female dog. The dog is medium-sized, probably part Border Collie

>> >and part Husky. The dog is a pet, not a lab animal, and the clones

will >> >be pets as well (though also tracked for research purposes).

>> >

>> >PROPOSAL SPECIFICS: Proposals should be 3-5 pages when printed

>> >(single-spaced, 12 point font). Proposals should address the following

>> >areas:

>> >

>> >1) Team Qualifications: (individual backgrounds, facilities,

>> >institutional affiliations, etc.)

>> >2) Proposed Methodology (nuclear transfer or other method)

>> >3) Dog-Specific Expertise & Methodology (veterinary sub-contracting is

>> >acceptable)

>> >4) Development schedule (your projected timetable, including when you

>> >can start)

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>> >PROPOSAL DEADLINE: Proposals must be received by regular mail, fax or

>> >email not later than September 20th, 1997. Finalists will be announced

>> >shortly thereafter, and may be asked to submit additional information

at >> >that time.

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>> >PROJECT BACKER: This project is being fully underwritten by one of

>> >America's richest men, a PhD and distinguished educator. His identity

>> >will not be disclosed to you unless you are selected as a finalist -

and >> >then only under a non-disclosure agreement.

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>> >broadcast the "story" of the project - it's popular depiction in both

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>> >whether you provide interviews or not will be at your own discretion.
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>> >FINANCIAL STRUCTURE: Special consideration will be given to proposals
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>> >institution, earmarked for the specific department. Teams associated
>> >with commercial enterprises should research the option of investment in
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>> >based on "cash-for-services" will also be considered - especially if
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>> >TO RESPOND: You may send your proposal by email, fax, or regular mail,
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>> >
>> >The Missyplicity Project
>> >3650 Sacramento Street
>> >San Francisco, CA 94118
>> >Fax: 415-775-5733
>> >Email: studio@slip.net

>> >
>> >
>> >
>> >
>> >
>> >Thomas H. Murray, Ph.D.
>> >Center for Biomedical Ethics
>> >School of Medicine
>> >Case Western Reserve University
>> >10900 Euclid Avenue
>> >Cleveland, OH 44106-4976
>> >Phone: 216/368-6206 Fax: 216/368-8713
>> >thm2@po.cwru.edu

>yeah, right. the weirdos are cruising the internet.

>
>
>

Thomas H. Murray, Ph.D.
Center for Biomedical Ethics
School of Medicine
Case Western Reserve University
10900 Euclid Avenue
Cleveland, OH 44106-4976
Phone: 216/368-6206 Fax: 216/368-8713
thm2@po.cwru.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: BetteKra@aol.com (BetteKra@aol.com [UNKNOWN])

CREATION DATE/TIME:20-AUG-1997 08:47:05.00

SUBJECT: NYTimes article:

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Tues.Aug.19 edition of Times has excellent article by Gina Kolata entitled "Scientists face new ethical quandaries in baby-making" p. C1. It fleshes out the references we heard, during cloning sessions, to the unregulated research taking place in clinical IVF centers, driven there by ban on research using federal funds. Doesn't take much imagination to fast forward to cloning research in similar setting! bette kramer

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: racharo@facstaff.wisc.edu (racharo@facstaff.wisc.edu [UNKNOWN])

CREATION DATE/TIME:20-AUG-1997 15:22:43.00

SUBJECT:

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

>The Program for Ethics, Science, and the Environment at Oregon State
>University has prepared a special issue of its biannual newsletter
that
>is devoted to religious perspectives on human cloning. "Human
Cloning:
>Fact, Fiction, and Faith," is a 16-page newsletter that contains
short
>essays from Native, African-American, Hindu, Islamic, Buddhist,
>Orthodox, Catholic, Jewish, and Protestant thinkers. The newsletter
was
>developed from research prepared for the National Bioethics Advisory
>Commission. A copy of the newsletter may be obtained without
charge by
>contacting Courtney Campbell at 541-737-6196 or CCampbell@orst.edu
>

r. alta charo, j.d.
associate professor, law & medical ethics
university of wisconsin law school & medical school

u.w. law school	608.262.5015 (tel)
975 bascom mall	608.262.5485 (fax)
madison, wi 53706	racharo@facstaff.wisc.edu

u.w. program in medical ethics: 608.263.3414 (tel)
mdethics@macc.wisc.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: msnowden@arachne.Princeton.edu (msnowden@arachne.Princeton.edu [UNKNOWN])

CREATION DATE/TIME:28-AUG-1997 10:43:09.00

SUBJECT: Workshop invitation

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

A message from Harold: "I have received a letter from Dr. Francoise Shenfield, Co-ordinator of the Centre for Medical Ethics of the University College London Medical School and Royal Free Hospital School of Medicine with respect to a EU-sponsored workshop that she is organizing at the Royal Society on November 24-25. The focus of the discussions will be on the societal, medical and ethical implications of animal cloning, and Dr. Shenfield would like to have a member of NBAC give a summary and analysis of our recent report. If any of you might find it possible to travel to London following our meeting on November 23 and would like more details about this workshop, please let me know and I will ask Dr. Shenfield to contact you directly."

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Eli G. Attie (CN=Eli G. Attie/O=OVP [UNKNOWN])

CREATION DATE/TIME:29-AUG-1997 13:14:30.00

SUBJECT: Cloning

TO: Andrei H. Cherny (CN=Andrei H. Cherny/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TEXT:
PRESIDENT WILLIAM J. CLINTON
REMARKS ON HUMAN CLONING
Tuesday, March 3, 1997

The recent breakthrough in animal cloning is one that could yield enormous benefits -- enabling us to reproduce the most productive strains of crops and livestock; holding out the promise of revolutionary new medical treatments and cures; helping to unlock the greatest secrets of the genetic code.

But like the splitting of the atom, this is a discovery that carries burdens as well as benefits. Science often moves faster than our ability to understand its implications. That is why we have a responsibility to move with caution and care -- to harness the powerful forces of science and technology, so that we can reap the benefits, while minimizing the potential dangers.

This new discovery raises the troubling prospect that it might someday be possible to clone human beings from our own genetic material. There is much about cloning that we still do not know. But this much we do know: any discovery that touches upon human creation is not simply a matter of scientific inquiry. It is a matter of morality and spirituality as well.

My own view is that human cloning would raise deep concerns, given our most cherished concepts of faith and humanity. Each human life is unique -- born of a miracle that reaches beyond laboratory science. I believe that we must respect this profound gift, and resist the temptation to become our own creators.

At the very least, we need a better understanding of the scope and implications of this breakthrough. Last week, I asked our National Bioethics Advisory Commission, headed by Princeton University President Harold Shapiro, to conduct a thorough review of the legal and ethical issues raised by this new cloning technology, and to recommend possible actions to prevent its abuse, reporting back to me by the end of May.

In the meantime, I am taking steps to prevent human cloning. The federal government currently restricts the use of federal funds for research involving human embryos. After reviewing these restrictions, our administration believes that there are loopholes that could allow the

cloning of human beings if the technology were developed. Today, I am issuing a directive that bans the use of any federal funds for the cloning of human beings. Effective immediately, no federal agency may support, fund, or undertake such activity.

Of course, a great deal of research and activity in this area is supported by private funds. That is why I am urging the entire scientific and medical community -- and every foundation, university, and industry that supports work in this area -- to heed the federal government's example. I am asking for a voluntary moratorium on all efforts to undertake the cloning of human beings, until our Bioethics Advisory Commission and our entire nation have had a chance to understand and debate the profound ethical implications.

As we gain a fuller understanding of this technology, we must proceed not just with caution, but with conscience as well. By insisting that not a single taxpayer dollar supports human cloning -- and by urging a moratorium on all private efforts to pursue human cloning -- we can ensure that as we move forward on this issue, we weigh the concerns of faith and family, and not of laboratory science alone.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME: 4-SEP-1997 11:30:54.00

SUBJECT: Re: Dartmouth Medical Symposium Speech

TO: Andrei H. Cherny (CN=Andrei H. Cherny/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Toby Donenfeld (CN=Toby Donenfeld/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TEXT:

Looks good. I have a few minor edits (locations are Word Perfect coordinants):

On Pg 2 Ln 9" Pos 5.8" are we certain he held the very first hearing?

On Pg 3 Ln 5" Pos 5.94" can we change it to "better prevent, detect, diagnose, and treat" cancer?

On Pg 4 Ln 1.6" Pos 2.51" can we add bioethicists to the list?

On Pg 4 Ln 3.6" Pos 1 can we add a a few lines about the National Bioethics Advisory Committee, its work on genetics, and the role the POTUS and VP had in creating it .

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Andrei H. Cherny (CN=Andrei H. Cherny/O=OVP [UNKNOWN])

CREATION DATE/TIME: 4-SEP-1997 11:46:08.00

SUBJECT: NBAC

TO: Toby Donenfeld (CN=Toby Donenfeld/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TO: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TEXT:

How is this in the section regarding the Human Genome Project's ethics project:

And it is also why the President appointed the National Bioethics Advisory Council of high level scientists and ethicists to advise him on these complicated scientific and ethical issues. We can no longer fly blindly when making important decisions on bioethics. With this advisory council, we will be able to begin clearing the fog of confusion from ethical decisions involving medicine.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME: 4-SEP-1997 13:18:28.00

SUBJECT: NBAC

TO: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TEXT:

This is language from an upcoming VP speech on medicine and society. Can you tell me if it is ok? I have already corrected "Council." I need this asap.

----- Forwarded by Jerold R. Mande/OSTP/EOP on 09/04/97
01:15 PM -----

Andrei H. Cherny @ OVP
09/04/97 11:54:15 AM
Record Type: Record

To: Jerold R. Mande/OSTP/EOP, Toby Donenfeld/OVP @ OVP
cc:
Subject: NBAC

How is this in the section regarding the Human Genome Project's ethics project:

And it is also why the President appointed the National Bioethics Advisory Council of high level scientists and ethicists to advise him on these complicated scientific and ethical issues. We can no longer fly blindly when making important decisions on bioethics. With this advisory council, we will be able to begin clearing the fog of confusion from ethical decisions involving medicine.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Andrei H. Cherny (CN=Andrei H. Cherny/O=OVP [UNKNOWN])

CREATION DATE/TIME: 4-SEP-1997 11:36:46.00

SUBJECT: Re: edits

TO: Toby Donenfeld (CN=Toby Donenfeld/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TEXT:

Is that sentence: "The President appointed the National Bioethics Advisory Council of high level scientists and ethicists to advise him on these complicated scientific and ethical issues" fine to use?

If so I'll stick it in in the 5% in HGP section.

Toby Donenfeld

09/04/97 11:41:32 AM

Record Type: Record

To: Andrei H. Cherny/OVP

cc:

Subject: edits

Jerry is totally right -- we should definitely talk about the fact that the President appointed the National Bioethics Advisory Council of high level scientists and ethicists to advise him on these complicated scientific and ethical issues.

----- Forwarded by Toby Donenfeld/OVP on 09/04/97 11:36 AM -----

Jerold R. Mande @ EOP

09/04/97 11:30:57 AM

To: Toby Donenfeld/OVP, Andrei H. Cherny/OVP

cc:

Subject: Re: Dartmouth Medical Symposium Speech

Looks good. I have a few minor edits (locations are Word Perfect coordinants):

On Pg 2 Ln 9" Pos 5.8" are we certain he held the very first hearing?

On Pg 3 Ln 5" Pos 5.94" can we change it to "better prevent, detect, diagnose, and treat" cancer?

On Pg 4 Ln 1.6" Pos 2.51" can we add bioethicists to the list?

On Pg 4 Ln 3.6" Pos 1 can we add a a few lines about the National Bioethics Advisory Committee, its work on genetics, and the role the POTUS and VP had in creating it .

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME: 5-SEP-1997 16:27:21.00

SUBJECT: nbac charter

TO: wraub (wraub @ osaspe.dhhs.gov @ inet [UNKNOWN])

READ:UNKNOWN

TEXT:

NATIONAL BIOETHICS ADVISORY COMMISSION CHARTER

Purpose

REVISED 1997 DRAFT - 1

The National Bioethics Advisory Commission will provide advice and make recommendations to the President, the National Science and Technology Council, other appropriate entities and the public, on bioethical issues arising from research on human biology and behavior, and the applications, including the clinical applications, of that research.

Authority

Executive Order 12975. This Commission is governed by the provisions of the Federal Advisory Committee Act (FACA), Public Law 92-463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation of advisory committees, and implementing regulations (41 C.F.R. 101-6.10).

Functions

The National Bioethics Advisory Commission shall advise, consult with, and make recommendations to the President, the National Science and Technology Council, Federal agencies, and other appropriate entities, and also make available to the public the Commission's advice and recommendations. The Commission's purview includes the appropriateness of departmental, agency, or other governmental programs, policies, assignments, missions, guidelines, and regulations as they relate to bioethical issues arising from research on human biology and behavior, and applications, including the clinical applications, of that research. The Commission shall identify broad, overarching principles to govern the ethical conduct of research, citing individual projects only as illustrations for such principles. The Commission shall not be responsible for the review and approval of individual projects.

As a first priority, the Commission will direct its attention to consideration of:

- A. Protection of the rights and welfare of human research subjects;
and
- B. Issues in the management and use of genetic information
including but not limited to human gene patenting.

In addition to responding to requests for advice and recommendations from the National Science and Technology Council, the Commission also may

accept suggestions for issues for consideration from both the Congress and the public. The Commission also may identify other bioethical issues for the purpose of providing advice and recommendations, subject to the approval of the National Science and Technology Council. The Commission shall consider four criteria in establishing priority for its activities:

- A. The public health or public policy urgency of the bioethical issue.
- B. The relation of the bioethical issue to the goals for Federal investment in science and technology.
- C. The absence of another body able to deliberate fruitfully on the bioethical issue.
- D. The extent of interest in the issue across the government. (The Commission ordinarily will not deliberate on a bioethical issue of interest to just one department or agency.)

Structure

The National Bioethics Advisory Commission shall consist of not more than 18 members including the Chairperson. Appointments shall be made by the President, who shall select from knowledgeable non-Government experts and community representatives with special qualifications and competence to deal effectively with bioethical issues. At least one member shall be selected from each of the following categories of primary expertise: (i) philosophy/theology; (ii) social/behavioral science; (iii) law; (iv) medicine/allied health professions; and (v) biological research. At least three members shall be selected from the general public, bringing to the Commission expertise other than that listed. The membership shall be approximately evenly balanced between scientists and non-scientists. Close attention will be given to equitable geographic distribution and to ethnic and gender representation.

Members shall be appointed for overlapping four-year terms. Initially, members will be appointed for two-, three- or four-year terms. Terms of more than two years are contingent upon renewal of the National Bioethics Advisory Commission by appropriate action prior to its termination. The Chairperson shall be appointed by the President. The term of office for the Chairperson shall be two years, renewable by appropriate action of the President.

If a vacancy occurs on the Commission, the President shall make an appointment to fulfill the term. Any member appointed to fill a vacancy occurring prior to expiration of the term for which his or her predecessor was appointed shall serve for the remainder of such term. Members may serve after the expiration of their terms until their successors have taken office.

The heads of executive departments and agencies shall, to the extent permitted by law, provide the Commission with such information as it may require for purposes of carrying out its functions.

The Commission may conduct inquiries, hold hearings and establish subcommittees, as necessary.

The Commission is authorized to solicit information from relevant human

research subject groups.

The Commission is authorized to conduct analyses and develop reports or other materials. In order to augment the expertise present on the Commission, the Secretary of Health and Human Services is also authorized to contract for the services of non-governmental consultants who may conduct analyses, prepare reports and background papers or prepare other materials for consideration by the Commission, as appropriate. In order to avoid duplication of effort, the Commission is encouraged to review the deliberations of other entities. The Commission may incorporate or otherwise use the results of the deliberations of other entities as it deems appropriate.

The Assistant to the President for Science and Technology and the Secretary of Health and Human Services shall be notified upon establishment of each subcommittee, and shall be provided information on the name, membership (including chair), function, estimated duration of the subcommittee, and estimated frequency of meetings.

To the extent permitted by law, and subject to the availability of appropriations, the Department of Health and Human Services (DHHS) shall provide NBAC with such funds as may be necessary for the performance of its functions. Management and support services shall be provided by the DHHS.

Meetings

Meetings of the Commission shall be held up to 12 times a year at the call of the Chairperson. Meetings of the subcommittee(s) shall be convened as necessary. A Federal Government official shall be present at all meetings.

Meetings shall be open to the public except as determined otherwise by the Assistant to the President for Science and Technology and the Secretary of Health and Human Services. Advance notice of all meetings shall be given to the public.

Meetings shall be conducted, and records of proceedings kept, as required by applicable laws and Federal regulations.

Compensation

Members may be compensated at a rate not to exceed the maximum pay authorized by 5 U.S.C. 3109, plus per diem and travel expenses as in accordance with standard government travel regulations.

Annual Cost Estimate

The estimated annual cost for operating the National Bioethics Advisory Commission is \$2,500,000.

Reports

Reports by the National Bioethics Advisory Commission on specific issues shall be submitted to the President, the National Science and Technology Council, the appropriate committees of Congress, and other appropriate entities. The Commission may specifically identify the Federal department, agency or other entity to which particular recommendations are

directed and request a response from the Federal department, agency or other entity within 180 days of publication of such recommendation.

Executive summaries of each report of the Commission shall be promulgated in the Federal Register. Such summaries shall specifically list the department, agency, or other entity to which any recommendations are directed and the date by which such responses are expected.

An annual report shall be submitted to the National Science and Technology Council and the appropriate committees of Congress. It shall contain, at a minimum, (i) the Commission's function; (ii) a list of members and their business addresses; (iii) the dates and places of meetings; (iv) a summary of the Commission's activities during the year; (v) a summary of the Commission's recommendations made during the year; and (vi) a summary of responses made by departments, agencies, or other entities to the Commission's recommendations during the year.

General Provisions

Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Secretary of Health and Human Services, in accordance with the guidelines and procedures established by the Administrator of General Services.

Termination Date

Unless renewed by appropriate action prior to its expiration, this National Bioethics Advisory Commission will terminate two years from the date of approval of this charter.

Approved:

John H. Gibbons Assistant to the President for Science and Technology	Date
--	------

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D71]MAIL495995745.216 to ASCII,
The following is a HEX DUMP:

NATIONAL BIOETHICS ADVISORY COMMISSION CHARTER

Purpose

The National Bioethics Advisory Commission will provide advice and make recommendations to the National Science and Technology Council, other appropriate entities and the public, on bioethical issues arising from research on human biology and behavior, and the applications, including the clinical applications, of that research.

Authority

Executive Order 12975. This Commission is governed by the provisions of the Federal Advisory Committee Act (FACA), Public Law 92-463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation of advisory committees, and implementing regulations (41 C.F.R. § 101-6.10).

Functions

The National Bioethics Advisory Commission shall advise, consult with, and make recommendations to the National Science and Technology Council, Federal agencies, and other appropriate entities, and also make available to the public the Commission's advice and recommendations. The Commission's purview includes the appropriateness of departmental, agency, or other governmental programs, policies, assignments, missions, guidelines, and regulations as they relate to bioethical issues arising from research on human biology and behavior, and applications, including the clinical applications, of that research. The Commission shall identify broad, overarching principles to govern the ethical conduct of research, citing individual projects only as illustrations for such principles. The Commission shall not be responsible for the review and approval of individual projects.

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Approved:

John H. Gibbons
Assistant to the President for
Science and Technology

Date

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Kay Casstevens (CN=Kay Casstevens/O=OVP [UNKNOWN])

CREATION DATE/TIME: 8-SEP-1997 15:52:11.00

SUBJECT: Biotech CEOs in town

TO: Donald H. Gips (CN=Donald H. Gips/O=OVP [UNKNOWN])

READ:UNKNOWN

CC: Jim Kohlenberger (CN=Jim Kohlenberger/O=OVP [UNKNOWN])

READ:UNKNOWN

Kay Casstevens (CN=Kay Casstevens/O=OVP [UNKNOWN])

READ:UNKNOWN

TEXT:

I received a letter from Carl Feldbaum, president of the Biotechnology Industry Organization, inviting me to speak to a small group of CEOs from biotechnology companies around the country about the FDA bill and about the GATT patent term extension, in addition to the recent developments relating to cloning. The request is for the morning of September 18.

Needless to say, I am not the substantive expert in these areas. Would you or Jim be willing to speak to this group? I have a list of the individual and synopses of their companies. I'd be glad to set up the meeting and "host" it over here, if you can do it. I just don't want to be the on-line person on these issues. Please advise. (And please say yes) Thanks. Kay

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: MSTEINBOCK@NOVELL1.pw.usda.gov (MSTEINBOCK@NOVELL1.pw.usda.gov [UNKNOWN])

CREATION DATE/TIME: 9-SEP-1997 11:55:27.00

SUBJECT: Re: Action Items for Oct2-3 Task Force Meeting -Reply

TO: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

TEXT:

Rachel: The focus is to be on cloning. Also, please give me a call. I need to discuss the biosafety working group the EC will propose with you. Hope all is well, Martha

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME: 9-SEP-1997 09:28:04.00

SUBJECT: Re: Action Items for Oct2-3 Task Force Meeting

TO: MSTEINBOCK (MSTEINBOCK @ NOVELL1.pw.usda.gov [UNKNOWN])

READ:UNKNOWN

TEXT:

Martha - Please refresh my memory. IS the focus of the NBAC report to be their cloning report or include other Commission activities? Thanks - see you soon.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: TannerR@od6100m1.od.nih.gov (TannerR@od6100m1.od.nih.gov [UNKNOWN])

CREATION DATE/TIME: 1-OCT-1997 12:04:15.00

SUBJECT: Cloning report in New York Review of Books

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Commissioners:

Richard Lewontin critiqued the cloning report in the Oct. 23, 1997 edition of The New York Review of Books. As many of you probably know, Dr. Lewontin is a Harvard professor and geneticist. Look to your fax machines for the review. I apologize that it couldn't be brought to you in better condition.

Robert Tanner

NBAC Staff

6100 Executive Blvd.

Suite 5B01

Rockville, MD 20892

301.594.7101

rt69f@nih.gov

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: TRISH@NH1.NH.PDX.EDU (TRISH@NH1.NH.PDX.EDU [UNKNOWN])

CREATION DATE/TIME:11-NOV-1997 15:12:53.00

SUBJECT: Re: Response to review of NBAC report

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Right on, thrice rah NBAC

> Date sent: Tue, 11 Nov 1997 12:51:03 EDT
> Send reply to: nbac-members@lists.Princeton.EDU
> From: "Evelyn T. Groom" <egroom@arachne.princeton.edu>
> To: NBAC Members E-list <nbac-members@lists.Princeton.EDU>
> Subject: Response to review of NBAC report

> A message from Harold T. Shapiro...
> "I thought you might like to see the
> letter that Jim Childress, Tom Murray
> and I have submitted to the New York
> Review of Books."

>
> _ _ _ _ _
> November 11, 1997

>
> The New York Review of Books
> 1755 Broadway, 5th Floor
> New York, NY 10019-3780

>
> To the Editors:

>
> We are writing to clarify what the National Bioethics
> Advisory Commission (NBAC) recommended in its report on
> CLONING HUMAN BEINGS, which R. C. Lewontin reviewed in
> NYRB, October 23, 1997. Such reports are not easy to review, but
> no one could learn from Lewontin's review what the Commission
> recommended or its reasons for doing so. Indeed, the review
> reveals much more about the reviewer's position on cloning and the
> relation of science, ethics and religion than about NBAC's position
> or reasoning.

>
> Lewontin reports correctly that the Commission
> recommended a ban on cloning humans, but he fails to describe the
> nature, scope, and limits of that ban or to identify its rationale.
> Among its several recommendations, the Commission recommended
> a temporary ban, through federal legislation including a sunset
> clause, on the use of somatic cell nuclear transfer cloning to create
> children. Although the Commission heard and considered many
> ethical arguments for and against human cloning, it based this
> recommendation solely on the ethical argument, in line with the

> available scientific evidence (which the review concedes), that the
> technique is not safe to use in humans to create children at this time.
> Our ethical concern around the issue of safety is a quite natural
> extension of the growing concern since Nuremberg for protecting
> human participants in scientific research and for avoiding the
> premature initiation of new clinical practices.

>
> Protecting the children who might be born of somatic cell
> nuclear transfer cloning, and the women who might bear such
> children, was not, as we have already noted, the only moral
> argument the Commission heard and considered. We heard
> concerns expressed that such cloning was a form of hubris or would
> lead inexorably to exploitation and even oppression; that it would
> result in children being treated as objects, even as commodities; that
> it would damage the integrity of families; that it would somehow
> threaten individuality and autonomy. While we were persuaded that
> some of these concerns deserved serious further reflection, this was
> not possible given the time constraints imposed upon us. As a result,
> the Commission recommended a continuing national dialogue (to
> which the Lewontin review clearly contributes) that would focus on
> these and related ethical issues. Our hope was that such a dialogue
> involving "widespread and careful public deliberation" about a wide
> range of ethical and social concerns, together with new scientific
> evidence, would clarify society's ultimate view regarding the
> appropriate use of this new technology. Thus, the Commission's
> recommendation regarding the current use of somatic cell nuclear
> transfer cloning techniques to create children rested only on the
> safety argument. The Commission did not, contrary to Lewontin's
> interpretation, base its recommendation for a temporary ban on other
> concerns such as objectification.

>
> Lewontin also criticizes the Commission for turning to
> religious scholars from some of the principal religious faiths in
> America to gain an understanding of their views on the matters
> before us and for including a chapter on "religious perspectives."
> We did so for two reasons. One was to access the resources they
> had developed over the years to deal with associated issues.
> Second, the simple fact that so many Americans look to these major
> religious faiths for moral guidance made it important for us to try to
> understand their perspectives.

>
> America is a fascinating and complex nation of religious
> believers and non-believers of various stripes, with deep
> commitments to religious freedom and firm traditions regarding the
> non-interference of government in these matters. As a result,
> believers cannot look to the government to reflect back to them their
> particular religious beliefs, and no particular religion, therefore, can
> become the cultural project of the government. In our view,
> however, this does not bar the consideration in public debate of
> thoughtful arguments whatever their source. On the contrary, in a
> society such as ours, it is essential that we try to understand the
> thoughtful views of others. While recognizing that public policies in
> our society cannot be based on religious considerations alone, the
> Commission wanted to learn from diverse theological and

> philosophical perspectives the positions taken and the arguments
> made about cloning humans. While religious traditions influence the
> moral views of many citizens, it is more relevant to note that moral
> arguments in these traditions often rest on premises accessible to
> citizens outside those traditions, and their norms and judgments often
> overlap with secular ones. Holding that "all voices should be
> welcome to the conversation" in our pluralistic society, the
> Commission invited and discussed religious perspectives "in the spirit
> of sustaining a national dialogue," and in the belief that we all
benefit > from understanding the thoughtful views of others.

>
> Finally, Lewontin distorts both theological and philosophical
> positions on cloning humans. He asserts that theologians attempt to
> "abolish hard ethical problems" and avoid "painful tensions." (We
> ignore his phrase "internal contradictions," which he includes along
> with "painful tensions," because both philosophers and theologians
> try to avoid "internal contradictions" in order to develop defensible
> positions.) We regret that Professor Lewontin was not present at
> our public meetings with religious thinkers, who were quite candid
> about the "painful tensions" they experienced in attempting to
> understand and explain what their traditions had to say about the
> difficult issues raised by these new developments. It was clear to us
> that many theologians as well as many philosophers, both in
> testimony to NBAC and in other contexts, do recognize these
> "painful tensions." Neither group as a whole failed to appreciate the
> moral conflicts involved in cloning humans, in various scenarios, or in
> different public policies toward cloning humans, even if different
> thinkers resolved them differently. And NBAC's own reflections
> benefited greatly from both theological and philosophical
> perspectives and considerations.

>
> Harold T. Shapiro
> Chair, National Bioethics Advisory Commission
> Princeton University
> Princeton, NJ

>
> James F. Childress
> National Bioethics Advisory Commission member
> University of Virginia
> Charlottesville, VA

>
> Thomas H. Murray
> National Bioethics Advisory Commission member
> Case Western Reserve University - School of Medicine
> Cleveland, OH

>
>

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME:11-NOV-1997 15:26:23.00

SUBJECT: Re: Response to review of NBAC report

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Harold, Jim & Tom:

You were brave to attempt to respond (in such a logical and thoughtful fashion) to a "review" that was idiosyncratic and rambling. I think you pay Dr. Lewontin too high a compliment when you say that his "review clearly contributes" to the continuing national dialogue, which after all we hoped would be marked by "widespread and careful public deliberation" -- even granting that the NYRB is "widespread" it is hard to call Lewontin "careful," as you go on to point out. (If you are forced to reduce the size of the letter, I did think that the discussion of why we heard the religious leaders had an air of "protesting too much" and that the basic point might be made more succinctly.

I see that we still have some disagreement about how to describe the non-safety concerns. You write that the recommendation regarding the current use of somatic cell nuclear transfer cloning techniques to create children rested only on the safety considerations. I had thought we agreed that in light of the unresolved "ethical and social concerns" about which debate was not yet resolved, we "therefore concluded that there should be imposed a period of time in which no attempt is made to create a child using somatic cell nuclear transfer" (Executive Summaryy, at p. iii of report) and "in addition to safety concern, many other serious ethical concerns have been identified, which REQUIRE much more widespread and careful public deliberation before this technology MAY BE USED" (Conclusions and Recommendations #1, also p. iii; EMPHASIS mine).

These comments are not, however, intended to detract from my pleasure in seeing such a strong reponse put to Dr. Lewontin; I was personally of the view that it might not be effective--because too defensive--for commissioners to complain of his mistreatment of our report, but you have shown that fear was not justified. Congratulations!

Alex

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: egroom@arachne.princeton.edu (egroom@arachne.princeton.edu [UNKNOWN])

CREATION DATE/TIME:11-NOV-1997 12:59:14.00

SUBJECT: Response to review of NBAC report

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

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November 11, 1997

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extension of the growing concern since Nuremberg for protecting
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Protecting the children who might be born of somatic cell

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America is a fascinating and complex nation of religious believers and non-believers of various stripes, with deep commitments to religious freedom and firm traditions regarding the non-interference of government in these matters. As a result, believers cannot look to the government to reflect back to them their particular religious beliefs, and no particular religion, therefore, can become the cultural project of the government. In our view, however, this does not bar the consideration in public debate of thoughtful arguments whatever their source. On the contrary, in a society such as ours, it is essential that we try to understand the thoughtful views of others. While recognizing that public policies in our society cannot be based on religious considerations alone, the Commission wanted to learn from diverse theological and philosophical perspectives the positions taken and the arguments made about cloning humans. While religious traditions influence the moral views of many citizens, it is more relevant to note that moral arguments in these traditions often rest on premises accessible to citizens outside those traditions, and their norms and judgments often overlap with secular ones. Holding that "all voices should be welcome to the conversation" in our pluralistic society, the Commission invited and discussed religious perspectives "in the spirit

of sustaining a national dialogue," and in the belief that we all benefit from understanding the thoughtful views of others.

Finally, Lewontin distorts both theological and philosophical positions on cloning humans. He asserts that theologians attempt to "abolish hard ethical problems" and avoid "painful tensions." (We ignore his phrase "internal contradictions," which he includes along with "painful tensions," because both philosophers and theologians try to avoid "internal contradictions" in order to develop defensible positions.) We regret that Professor Lewontin was not present at our public meetings with religious thinkers, who were quite candid about the "painful tensions" they experienced in attempting to understand and explain what their traditions had to say about the difficult issues raised by these new developments. It was clear to us that many theologians as well as many philosophers, both in testimony to NBAC and in other contexts, do recognize these "painful tensions." Neither group as a whole failed to appreciate the moral conflicts involved in cloning humans, in various scenarios, or in different public policies toward cloning humans, even if different thinkers resolved them differently. And NBAC's own reflections benefited greatly from both theological and philosophical perspectives and considerations.

Harold T. Shapiro
Chair, National Bioethics Advisory Commission
Princeton University
Princeton, NJ

James F. Childress
National Bioethics Advisory Commission member
University of Virginia
Charlottesville, VA

Thomas H. Murray
National Bioethics Advisory Commission member
Case Western Reserve University - School of Medicine
Cleveland, OH

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: eemanuel@nih.gov (eemanuel@nih.gov [UNKNOWN])

CREATION DATE/TIME:11-NOV-1997 19:17:44.00

SUBJECT: Re: Response to review of NBAC report

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

What I can't figure out is exactly what are Lewontin's views on cloning.
He never clearly came out and said what he thought but only that all the
arguments seemed bad.

At 01:41 PM 11/11/97 -0500, you wrote:

>Dear Harold, Jim and Tom-

>

>Bravo on your letter. I think it is right to the point. I quite agree that

>Lewontin's review reflects his personal views on cloning rather than an

>accurate review of the NBAC position. He is just pissed that we do not

>agree with him!

>

>David

>

>

>

>

Ezekiel J. Emanuel, M.D., Ph.D.

Dana-Farber Cancer Institute

Harvard Medical School

National Institutes of Health

(617) 632-2267--Boston

(773) 327-1763--Chicago

(301) 496-2429--Bethesda

(617) 632-2270 fax

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: SimonS@od6100ml.od.nih.gov (SimonS@od6100ml.od.nih.gov [UNKNOWN])

CREATION DATE/TIME:12-NOV-1997 18:58:25.00

SUBJECT: Nature covers NBAC HSSC Meeting

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
16 October 1997

Mentally disabled research subjects 'need
protection'

Washington. When the US National Bioethics Advisory
Commission
(NBAC) convenes again on Sunday (19 October), it will
wrestle with a
difficult matter on which it is due to report by
January. The commission's
human subjects subcommittee, which meets the same day,
is charged with
working out how to provide adequate protection for
mentally disabled research
subjects, for whom no specific protection exists under federal regulations.

Two national commissions have recommended that the
government adopts
such protection -- which already exists for pregnant
women, fetuses, prisoners
and children. But an early effort to introduce it was
abandoned after an outcry
from researchers. Patients' advocates say this has led
to widespread abuses,
and are calling for stringent government measures to be adopted.

"Highly speculative, relapse-producing experiments may
have served the
interests of investigators, but they undermined the best
medical interests of the
subjects," says Vera Hassner Sharav, director of
Citizens for Responsible
Care in Psychiatry and Research.

The seriousness of the advocates' cause was brought home
to members of
NBAC's human subjects subcommittee at a meeting last
month where they
heard harrowing testimony from former research subjects.

They alleged cursory, inadequate or nonexistent informed-consent procedures, abrupt withdrawal of medication, inducing psychosis, and restraint in locked wards.

Although several cases presented at the meeting involved private facilities, others involved research financed by the National Institute of Mental Health (NIMH), including one study at the institute itself in Bethesda, Maryland. There, a former subject said, he was presented with a notebook of consent forms three to four inches thick. "I was given no opportunity to read them [or] consider them. The doc turned the pages and I signed."

Such a process "could not in a million years be characterized as informed voluntary consent," said Alexander Capron, an NBAC member who is a bioethicist at the University of Southern California.

Rex Cowdry, acting deputy director of NIMH, said the institute took the allegations "seriously". He said the institute "is already actively involved in a broad examination of how we can assure that our research participants are well-informed".

But some NBAC members said it was important that protection for subjects should not cripple research. "It also can be unethical not to do research," said Arturo Brito, a paediatrician at the University of Miami.

Meredith Wadman

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: NorrisP@od6100m1.od.nih.gov (NorrisP@od6100m1.od.nih.gov [UNKNOWN])

CREATION DATE/TIME:13-NOV-1997 15:00:42.00

SUBJECT: RE: Shapiro-Childress-Murray letter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Hello, Dr. Dumas. Actually, NBAC has a web page and it could go on the publications page along with the cloning report. What do you think about that idea? Pat.

From: rhetaugh@umich.edu[SMTP:rhetaugh@umich.edu]
Reply To: nbac-members@lists.Princeton.EDU
Sent: Thursday, November 13, 1997 12:52 PM
To: NBAC Members E-list
Subject: Shapiro-Childress-Murray letter

I think that the letter was clear, comprehensive, and accurate.
It would
be a good piece for broader public attention. Is there an
appropriate Web
site for it?

Rhetaugh

Rhetaugh G. Dumas, PhD, RN, FAAN
Vice Provost Emerita
Dean Emerita and Lucille Cole Professor of Nursing
400 N. Ingalls, Room 4320
Ann Arbor MI 48109-0482
313/936-6213
Fax 313/647-9325

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: cgreider@bs.jhmi.edu (cgreider@bs.jhmi.edu [UNKNOWN])

CREATION DATE/TIME:13-NOV-1997 17:13:31.00

SUBJECT: RE: Shapiro-Childress-Murray letter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

>Hello, Dr. Dumas. Actually, NBAC has a web page and it could go on the
>publications page along with the cloning report. What do you think
>about that idea? Pat.

It might not be the most appropriate place since the letter was not an
NBAC official document and was only sent out for comments after it was
submitted.

Carol Greider

Carol Greider, Ph.D.
Department of Molecular Biology and Genetics
Johns Hopkins University School of Medicine
617 Hunterian Building
725 N. Wolfe Street
Baltimore, MD 21205

Phone: (410) 614-6506

Fax (410) 614-2987

e-mail: cgreider@bs.jhmi.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: ecassell@mail.med.cornell.edu (ecassell@mail.med.cornell.edu [UNKNOWN])

CREATION DATE/TIME:14-NOV-1997 11:31:26.00

SUBJECT: Re: Nature: 'Bioethics needs better input from public'

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Sean's report again brings up the question of public education which we considered, and considered important in our cloning deliberations. (and which all know is dear to my heart.) I wonder how we might best consider the matter, get help with it, find out more about what is or isn't done, and etc. Without, of course, sidetracking our present efforts. It would be sad if it ended up like the weather, "Which everyone talks about, but..." Eric Cassell

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: ecassell@mail.med.cornell.edu (ecassell@mail.med.cornell.edu [UNKNOWN])

CREATION DATE/TIME:14-NOV-1997 11:31:13.00

SUBJECT: RE: Shapiro-Childress-Murray letter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Yes.

Eric Cassell

On Thu, 13 Nov 1997, Norris, Patricia wrote:

> Hello, Dr. Dumas. Actually, NBAC has a web page and it could go on the
> publications page along with the cloning report. What do you think
> about that idea? Pat.

>

> -----

> From: rhetaugh@umich.edu[SMTP:rhetaugh@umich.edu]

> Reply To: nbac-members@lists.Princeton.EDU

> Sent: Thursday, November 13, 1997 12:52 PM

> To: NBAC Members E-list

> Subject: Shapiro-Childress-Murray letter

>

> I think that the letter was clear, comprehensive, and accurate.

> It would

> be a good piece for broader public attention. Is there an

> appropriate Web

> site for it?

>

> Rhetaugh

>

> Rhetaugh G. Dumas, PhD, RN, FAAN

> Vice Provost Emerita

> Dean Emerita and Lucille Cole Professor of Nursing

> 400 N. Ingalls, Room 4320

> Ann Arbor MI 48109-0482

> 313/936-6213

> Fax 313/647-9325

>

>

>

>

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME:17-NOV-1997 19:33:59.00

SUBJECT: RE: Shapiro-Childress-Murray letter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

On Thu, 13 Nov 1997, Norris, Patricia wrote:

> Hello, Dr. Dumas. Actually, NBAC has a web page and it could go on the
> publications page along with the cloning report. What do you think
> about that idea? Pat.
>

For reasons I have communicated to the authors, I would not be in favor
of posting the letter as it now reads on the Web page.

Alex

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: BetteKra@aol.com (BetteKra@aol.com [UNKNOWN])

CREATION DATE/TIME: 4-DEC-1997 10:01:13.00

SUBJECT: nytimes article

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

did everyone see gina kolata's article, front page, this past tuesday,
dec. 2 re. rapidity with which possibility of cloning is becoming a
defused issue. if anyone missed it, i have a copy and will be glad to fax
it. is there a message? is the public a lot more sophisticated than we
might have guessed? if so , does it have implications for some of the
other issues before genetics comm? bette

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: cgreider@bs.jhmi.edu (cgreider@bs.jhmi.edu [UNKNOWN])

CREATION DATE/TIME: 4-DEC-1997 10:29:01.00

SUBJECT: Re: nytimes article

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

>did everyone see gina kolata's article, front page, this past tuesday,
dec. 2 >re. rapidity with which possibility of cloning is becoming a
defused issue. >if anyone missed it, i have a copy and will be glad to fax
it. is there a >message? is the public a lot more sophisticated than we
might have guessed? >if so , does it have implications for some of the
other issues before genetics >comm? bette

I read the article and my first reaction was not that the public is more
sophisticated than we guessed. I will have a look at it again, but my
initial reaction was it was Gina's way of updateing the public on what is
going on in some sections of the research community. And she also getting
some scientists to say silly things as a side event.

There is an amusing letter to the editor in this weeks Science (vol 278
p1547) by Aurther Kaplan and Craig Venter regarding the "cloning of
headless humans" media blitz. My favorite line from their letter was
"Since we are currently armed with heads and brains,it behooves us to use
them..."

Carol

Carol Greider, Ph.D.
Department of Molecular Biology and Genetics
Johns Hopkins University School of Medicine
617 Hunterian Building
725 N. Wolfe Street
Baltimore, MD 21205

Phone: (410) 614-6506
Fax (410) 614-2987
e-mail: cgreider@bs.jhmi.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME: 5-DEC-1997 20:46:05.00

SUBJECT: Re: Materials from recent European cloning deliberations

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

On Fri, 5 Dec 1997, Tanner, Rob wrote:

- > Dr. Meslin wants to inform you that the NBAC offices have in the reading
- > file and available to you materials concerning cloning which Dr. Raub
- > brought back from a recent trip to Europe. Those materials are the
- > following:
- >
- > 1. "Societal, Medical and Ethical Implications of Animal Cloning," 24th
- > & 25th November 1997, sponsored by the Centre for Medical Ethics at the
- > University College London Medical School and RAND, under an EU grant;

I WOULD BE INTERESTED IN RECEIVING A COPY, PLEASE.

- >
- > 2. "Reply to the President of The French Republic on the Subject of
- > Reproductive Cloning," 22nd April 1997, by the National Consultative
- > Ethics Committee for Health and Life Sciences.

>

ACTUALLY, I BELIEVE NBAC'S FILES WILL DISCLOSE THAT I SUPPLIED A COPY OF THE ENGLISH TRANSLATION LAST SPRING WHEN WE WERE STILL WORKING ON OUR REPORT.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Caroline_Wagner@rand.org (Caroline_Wagner@rand.org [UNKNOWN])

CREATION DATE/TIME:16-DEC-1997 10:31:00.00

SUBJECT: Status of the study group series on info-tech/biotech

TO: sjones@darpa.mil (sjones@darpa.mil [UNKNOWN])

READ:UNKNOWN

CC: Bruce_Don@dcmail.rand.org (Bruce_Don@dcmail.rand.org [UNKNOWN])

READ:UNKNOWN

CC: ffukuyam@osfl.gmu.edu (ffukuyam@osfl.gmu.edu [UNKNOWN])

READ:UNKNOWN

TEXT:

Dear Shaun:

You may recall that my group, the Critical Technologies Institute, is an FFRDC serving the White House office of Science and Technology Policy. In order to get this project started, we need, administratively, to get their nominal approval of the project. Attached please find the task plan and the task description -- standard documents that we use to get a project started.

In the process of seeking OSTP's approval to start this project, they requested a few small changes to the project description. These are essentially three, and they are reflected in the attached documents:

1) put a few sentences in the description that demonstrate that the issues we being examined have a public policy component that will be considered during the course of the project. Specifically, OSTP would like to see this series used as an "early warning system" to highlight potential public policy concerns, writ large, that may emerge as technologies develop.

2) change the title to reflect the increased policy focus. They suggested "Information and Biotechnology Revolutions: Implications for Global Governance." Since this does not substantively change the project, this seems like as acceptable change. Your comments on this are welcome, of course.

3) tone down, for political reasons, the focus on 'bio' issues. The WH is very sensitive about their position at this point on cloning and other biological research issues. Hence, they pointed out that 'sensors' could subsume 'biosensors,' so they asked if we would just use the more general term at this point, although they are not averse to our exploring this issue in study group.

Dr. Gerald Epstein, Senior Analyst in the OSTP National Security and International Affairs Division, and an old OTA colleague of mine, has been

assigned as the OSTP staff cognizant on this project.

If these changes are acceptable to you, I will fax over to you a task plan, signed by CTI Director, Dr. Bruce W. Don, for your signature. After that, this paper goes to Dr. Epstein for White House approval. It then moves to NSF, where they will open our account. I hope we can have our first study group in January, led by MIT Professor Seth Lloyd.

Thanks for your patience during this process. Yong Kim has been exceedingly helpful and courteous...

- DARPA_project_description.doc - Task_Order_#54.doc
Caroline S. Wagner
Critical Technologies Institute at RAND
1333 H Street, NW Suite 800
Washington DC 20005

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D3]MAIL47599394R.316 to ASCII,
The following is a HEX DUMP:

DETAILED INTERAGENCY TASK PLAN

Task Order #54

Information and Biological Revolutions: Implications for Global Governance

Pursuant to NSF Contract OPA-9215205

Principal CTI Investigator:	Caroline S. Wagner
Cognizant for DARPA:	Shaun Jones
Cognizant for OSTP/NSIA:	Gerald Epstein

(1) Nature of work to be performed:

Convene experts from various disciplines in a series of eight meetings to examine the implications for national security and global governance as they will interrelate with developments in information technology and biological sciences. Explore implications for public policy of these technology developments.

(2) Urgent request: YES X NO

If "YES," describe nature of urgency: DARPA has a need to get the study group underway so as not to lose the continuity with a project completed in August 1997.

(3) Exploratory project: YES NO X

(4) Amount of funds required to perform task: \$130,000. Sufficient funds will be transferred from the DARPA to NSF to support this work.

(5) Recommended approach to be used in performing task:

The study group will consist of a series of meetings involving 30 leading specialists in the areas of technology, government, and international relations. The study group will be organized by Professor Francis Fukuyama, Institute of Public Policy, George Mason University, and Caroline Wagner, Special Assistant to the Director and Senior Analyst, Critical Technologies Institute at RAND. Presentations commissioned for the study group will provide the basis for a series of essays that will reach the policymaker and policy analyst as well as a more general audience and will constitute part of the project's final product. A final report and briefing analyzing the findings from the study group will be presented at the end of this project.

(6) Time to complete task (estimate): Start date: 5 Jan. 98 End date: 1 Dec. 98

(7) Deliverables:

Eight study group meetings; commissioned presentations; transcripts of each meeting; a final monograph analyzing findings.

(8) Signatures

Bruce Don
Director, Critical Technologies Institute

Date

Shaun Jones
Commander

Date

John H. Gibbons (OSTP)
Assistant to the President for Science and Technology,
and Director, Office of Science and Technology Policy

Date

PROJECT DESCRIPTION

Information and Biological Revolutions: Implications for Global Governance

Principal CTI Investigator:	Caroline S. Wagner
Cognizant for DARPA:	Shaun Jones
Cognizant for OSTP/NSIA:	Gerald Epstein

(1) Nature of work to be performed:

- Objective

Convene experts from various disciplines in a series of eight meetings to examine the implications for national security and global governance as they are affecting or will be affected by developments in information technology and biotechnology. Examine technology developments in light of ethical, policy, and global governance issues. Provide an "early warning system" to policymakers about issues that may arise as information technology and biotechnology develop.

- Background

In a study group entitled "New Sciences and the International System" conducted from September 1996 through August 1997, organized by Professor Fukuyama and Ms. Wagner, discussion leaders were asked to describe developments in emerging areas of science and to discuss the implications of these developments for the international system. The New Sciences Project was preceded a study group on telecommunications policy organized by Professor Fukuyama (1994-1996) which examined implications for international politics of developments in information technology. The most interesting and challenging questions emerging out of these previous study groups has been the governance of products arising out of information technology and biological sciences. Specifically, the concern arises that national and international organizations and current legal systems are not adequate to deal with the significant issues of security concerns or the legal and regulatory governance questions that are emerging or are expected to emerge as these technologies influence changes in social systems.

The potential shortfalls of the current political and legal infrastructure to deal with global changes in information are becoming evident as the U.S. National Information Infrastructure evolves into Global Information Infrastructure (GII) and develops beyond information sharing into a global commercial trading system. Electronic commerce will strain existing trade regimes, protocols for the protection of intellectual property, and concepts of currency. Government trade regulations and international trade agreements may well prove inadequate to govern electronic commerce. A number of governance issues have already arisen, such as the fairness of the current system for allocating domain names on the Internet on an international basis. In the future, there may be other information security-related problems that will require a high degree of international cooperation to resolve, and perhaps an ongoing international governance structure. Some suggest that contractual relationships will replace regulation and trade protocol. What organization is capable of negotiating and implementing new rules? What court of law will adjudicate international contracts agreed to on the GII? Can these simply be folded into the World Trade Organization (WTO), or do they need a separate institution?

Similarly, recent developments in genetics raise the question of international organizational and legal governance. Even as the U.S. Government considers a ban on certain kinds of genetic

experimentation or manipulations, other nations may be considering advanced experimentation in these areas. Among the consequences of an international governance regime for either information technology or biotechnology may be the development of offshore sites where individuals may go to avoid regulations established by other countries. Can existing organizational structure and law be adapted to the products of biological science? Will new forms of political organization and law be needed to address these changes?

Developments in technology at the convergence of biology and information--such as sensors and smart materials--are poised to produce perhaps the greatest changes, and challenges, to social and defense systems. Technologists suggest that ubiquitous sensors may soon be available, capable of being linked to ultrascale networked computing. Advances in software systems may soon offer the capability to detect previously unknown patterns within massive amounts of unrelated data. These developments may, on one hand, increase capabilities in important public goods functions such as environmental monitoring and sustainability and economic management; on the other hand, the possibilities of using these technologies to create new forms of terror, conflict, and abuse of power appear to be quite significant. What will the new set of governing factors mean for federal functions such as defense, and how can the U.S. anticipate changes or exploit the technology to recognize pre-conflict situations and deter hot conflict?

We suggest that current legal, security, and political infrastructures may prove sorely inadequate to deal with the issues emerging from these two areas of science and technology. We propose to use this study group to examine the current international governance, legal, trade, and regulatory systems as they may apply to specific developments in information and biology, and, to accompany this with an examination of the infrastructure available to apply these systems of governance to emerging challenges. We will ask where the government has clear responsibilities, what the role of industry will likely be, and what developments are taking place on an international level as opposed to a domestic level. If the existing systems of governance and security appears to be inadequate, we will consider what alternatives might make sense and how existing government could develop and bring new methods of governance into being.

This project will constitute a step toward placing these issues on the agenda of U.S. domestic and foreign policy. It will also begin the process of identifying possible U.S. responses--on a political or social level--to critical governance and defense issues that are appropriate, effective, affordable and workable on a global scale. Building on knowledge gained from the Telecommunications and New Sciences Study Groups, this study group will aim to introduce the question to the policy community of whether the international system has the infrastructure and organization to adjudicate critical legal, defense, and regulatory questions in the information and biological fields. The study group will expand our understanding of developments in information and biological sciences, the potential integration of these two fields into new possibilities for commercial and defense products, the applications of these new products, and the implications for U.S. policy of these developments.

(2) Recommended approach to be used in performing task:

A series of eight study group meetings will build an increasing understanding of the issues emerging in information technology and biological sciences. Specifically, the meetings will examine the following issues:

1. The science of ultrascale and quantum computing. To what extent are ultra- or nanoscale (quantum) computing, mass data storage, and optical-read technologies within reach? Within what timeframe? What are the technical limits of these technologies? To what extent can they

be miniaturized to the level of biological applications? Drawing in part on a CTI seminar on quantum computing held in January 1997, this meeting of the study group will examine the potential uses of these technologies, the impacts of these technologies on their industries, and on electronic commerce and international industrial systems. Who will develop these technologies, and who will 'own' them? Will nationally-based manufacturing capability and ownership of these technologies matter to the U.S.?

2. Mind, brain, and computing. As ultrascale computing, mass data storage and sensors develop and mature, some of the lines between the human mind and the computer may begin to blur. While computing already enhances human 'brainpower,' ultra or nanoscale computing offers the potential of merging the brain and the computer in real time, biological applications. This raises significant questions about the application of this technology and the implications it has for the concept of the human 'mind,' particularly whether a merging of brain and computer is possible, desirable, and functional. There are clear potentials for this technology on the battlefield and in air combat. What other potential applications might prove useful, and socially acceptable, as computers become tools to enhance brainpower in real time?

3. The development of sensors and smart materials. Sophisticated sensors are on the horizon. Advances in genetics present the possibility of customizing 'designer' proteins, chemicals, and 'smart materials' with targeted sensing applications. This study group will draw background from a 1997 CTI seminar on the subject of biosensors, and examine the state of the science of sensors, genetic manipulation and the creation of smart sensors and materials that can be expected over the next 10-20 years, and ask how these technologies may be integrated with information technologies and networking. Discussion will focus on the potential for new forms of economic and political warfare that may emerge from the applications of these technologies in industry, commerce, and the global political realm.

4. Actuating a sensor network. The development of sensors that can potentially provide a vast array of feedback on many physical and social variables raises the question of whether networking this information into massive systems is feasible and useful. Actuating a network of sensor-based data would require a significant commitment of bandwidth, ultrascale computing power, massive data storage, and highly advanced software that can identify patterns among massive amounts of seemingly random data. What are the potential benefits of integrating sensors into the communications spectrum, and what are the technological (computing, telecommunications, software) obstacles to actuating a sensor network? What are the social and political governance considerations that may arise in response to a sensor network?

5. Networking, sensors, and global surveillance. The integration of sensors and networking may provide immensely enhanced capabilities to surveil terrorists, arms traders, and average citizens alike. Based on what we have learned about networking sensors, ultrascale computing, and the possibilities of developing software that can scan massive data for patterns, what are the potentials for global surveillance both for U.S. defense and for attacking U.S. interests? What organizations or legal structures exist that might ensure that abuses do not take place? Can countermeasures be created to ensure that surveillance is not turned against U.S. citizens and U.S. interests?

6. Security and encryption. Advances in computing, sensors, and software production will almost surely continue to up the ante in encryption faster than the U.S. government, or any government, can make policy about key codes or other decoding schemes. Advocates of quantum computing suggest that it will offer the tantalizing possibility of perfect encryption. Ubiquitous sensors may provide vastly increased capability to provide continuous tracking and monitoring of

all kinds of information that will evade encryption or other security measures. This two-edged sword would be a boon to privacy and to U.S. security interests while offering criminals the possibility of operating with little fear of detection. What are the security and governance considerations associated with a vast, sensor-based network?

7. Implications of a networked society for global order and conflict. Protection of individual political rights on an international basis will surely be challenged by developments discussed in the study group meetings to this point. Surveillance, detection, invasion of privacy, and personal and national vulnerability scenarios can be spun from the impact of the technology we have been discussing. In the wake of a major terrorist act one or two orders of magnitude more deadly than those that have taken place up till now, questions of the boundaries of personal privacy and national networking systems will surely come to the fore. What are the implications of a networked system for global order, conflict, and individual political and personal rights?

8. Social structure, community, and conflict. Along with the potential ability to monitor and network data on the biological, social, and physical world comes the question of control of behavior of individuals and groups. Biologists have been working toward uncovering the roots of human aggression, cooperation, and competition at both a behavioral and molecular level over the past couple of generations. Many of these findings, some of which were discussed in the 1997 "New Sciences" study group, question widely-held assumptions that social behavior has exclusively social causes. Increased understanding of the biological roots of aggression and violence have important implications for how we view the boundaries of acceptable behavior or the autonomy of the individual actor. As socio-biology and complexity theories reveal new understandings of the roots of urban unrest or national and international-level aggression, will we see, and do we want, the ability to intervene at an early stage to unravel aggressive or destructive behavior? How might bioregulators be used as an agent of warfare, possibly altering behavior, mood, reducing fear or instilling panic? The study group can examine the way in which leading social science paradigms underlying theories of war, international politics, and economic behavior might have to be modified, and social action challenged, in light of advances in these sciences.

(3) Time to complete (estimate): Start date: 5 Jan. 97 End date: 1 Dec. 98

(4) Schedule of Deliverables:

1. Eight study group meetings, with commissioned papers and transcripts.
2. A monograph by the project leaders describing findings and offering policy observations and recommendations.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Jordan Tamagni (CN=Jordan Tamagni/OU=WHO/O=EOP [UNKNOWN])

CREATION DATE/TIME: 9-JAN-1998 19:08:31.00

SUBJECT: Re: Radio Address -- Draft Subject to Change

TO: vzonana (vzonana @ os.dhhs.gov @ INET @ LNGTWY [UNKNOWN])

READ:UNKNOWN

TEXT:

Please stand by for revised address. They decided to change the message to more science is good than cloning is bad. Everyone over here is fine with it. La di da.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME:12-JAN-1998 05:24:23.00

SUBJECT: Re: query

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

For what it's worth, I agree with Steve's reading of the Cloning report, in his reply to Alta. Ive been off e-mail for 6 days, so if there are further exchanges on this subject (such as reply from Alta), I haven't read them yet.

Alex

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: MeslinE@od.nih.gov (MeslinE@od.nih.gov [UNKNOWN])

CREATION DATE/TIME:14-JAN-1998 08:55:36.00

SUBJECT: RE: the meaning of the cloning report

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

The points raised here are relevant, particularly for those who speak to the media or who prepare written materials for publication.

Eric Meslin

-----Original Message-----

From: alta charo [SMTP:racharo@facstaff.wisc.edu]

Sent: Tuesday, January 13, 1998 9:21 AM

To: NBAC Members E-list

Subject: the meaning of the cloning report

as alex correctly notes, this is the sort of business that keeps historians employed.

i can only state what my own motivations were for agreeing to the recommendations. specifically, i was reluctantly brought to agree with the notion of a legislatively imposed moratorium specifically and solely due to safety concerns. any personal qualms i might have about cloning human beings when and if it is safe seem (to me) to be insufficient -- both politically and legally -- to justify a legislative prohibition, even one that is temporary. those qualms would be sufficient to call for a voluntary, self-imposed moratorium on cloning human beings, but that is a far cry from a legislative 5-year ban.

when i voted for the report, i understood the vote to be one in which even safety concerns did not make a clear case for a legislative ban (tho they did make a clear case for a voluntary moratorium), but that when combined with the background concerns on non-safety issues it was enough to tip the

scales in favor of the legislative ban. clearly others had a different understanding. my point is simply that i would urge all of us to be extremely careful in how we characterize "the commission" as it is going to be understood as characterizing the individual motivations of each and every commissioner. since we did not completely agree among ourselves, why not say this, and note that the individual commissioners came to agree on recommendations, albeit out of varying sets of underlying motivations.

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