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Cloning [2]

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DRAFT

MEMORANDUM FOR THE PRESIDENT

FROM:

SUBJECT: Cloning Legislative Options

Interest in cloning legislation was renewed by reports that a Chicago physicist plans to attempt to use this technology to create a child. Your January 10 radio address challenged Congress to enact a ban on private sector activities like the one you have imposed on the public sector. This issue is likely to appear in both the House and Senate very soon after they return. Based on bills introduced in the fall, and the difficulties inherent in trying to craft a bill of appropriate scope, there is a strong possibility that Congressional measures may deviate from the principles outlined in your draft bill.

This memorandum summarizes the following options with respect to a legislative strategy on cloning: (A.) continue to support the principles and language in your June 9, 1997 draft bill; (B.) support the principles but refine the current language; (C.) change the scope of prohibited activities to respond to criticism; or (D.) adopt a prohibition with a more general focus.

The memorandum also presents the pros and cons associated with a clause pre-empting state legislation of human cloning.

I. Substantive Prohibition

A. Support existing language without changes

Your bill has been praised by industry and professional societies for its narrow focus on the act of creating a human being through somatic cell nuclear transfer (SCNT), the technology used to create Dolly the sheep, and the absence of mention of embryo research. These groups also applaud your protection of noncontroversial biomedical research and the 5-year sunset provision. Current language maintains the status quo with respect to freedom to carry out embryo research in the private sector under existing (albeit limited) Federal oversight. The Federal ban on creation of human embryos for research purposes is unaffected by any of the options in this memorandum.

B. Refine current language

Continue to hold to the principles expressed in your draft bill but make the following changes to clarify the prohibition:

Current language:

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.

Suggested modification:

It shall be unlawful for any person or other legal entity, public or private, to introduce the product of somatic cell nuclear transfer into a woman's womb in order to create a child.

Rationale

- There is greater agreement on the definition of a child than there is on a human being, thus avoiding some, but not all of the embryo research and abortion debate.
- The term "or in any other way" created unnecessary confusion.
- "Intent" was included as protection for a defendant, but industry and medical practitioners suggested deleting it.

C. Continue to support the principles in the existing bill but broaden its scope

We would like you to focus on pros and cons of including the phrase "in order to create a child" as it appears in Option B.

You have been sensitive to the need to be very cautious in setting a boundary around permissible biomedical research through this bill; hence its narrow focus. The phrase "in order to create a child" maintains that view with its implied intent. However, it suggests two potentially troubling scenarios of which you should be aware. First, it may be interpreted to encourage abortion because transfer of the product of cloning would be prohibited only if it was done so as to create a child, not if it was done with intent to abort. Second, someone caught in the act of attempting to create a child using this method could avoid liability simply by aborting the cloned embryo or fetus.

Therefore, we would suggest that the prohibition be modified to read as follows:
It shall be unlawful for any person or other legal entity, public or private, to introduce the product of somatic cell nuclear transfer into a woman's womb.

This clear language means that during the time this law is in effect, no one in the public or private sectors may perform somatic cell nuclear transfer and implant the resulting product in a woman's uterus. Today, this is legal in the private sector, although it may be possible to exert some regulatory oversight, as discussed in the background attachment. Some fertility research would be precluded under this option, although it is difficult to determine how much because efforts are generally made to sustain a pregnancy after implantation; not to perform experiments with the intention of aborting.

The right-to-life community criticized your bill for allowing the creation of embryos for research purposes using private funds, as long as those embryos were aborted subsequently. This modification still permits the creation of embryos but removes the incentive for abortion. While the scientific and medical communities supported your earlier version, it is likely that you will retain their support even with this change in view of the larger threats to research emanating from

Congress. However, it does make the sunset clause all the more crucial. We have been told that the fertility research community would not object to this approach.

D. Adopt a more general prohibition

Your bill is intended to prevent anyone from creating a child who is a genetically identical copy of an existing or previously existing person. Somatic cell nuclear transfer is one way of accomplishing this feat and you endorsed the recommendation of your National Bioethics Advisory Commission in limiting the scope of your bill to the use of this technology to create a child. Another option would be to construct a more general, non-technology specific ban such as the following:

It shall be unlawful to create a child who is genetically identical to an existing or previously existing child or adult.

Violation of this ban will depend on one's definition of the point at which life begins. Some people believe that an embryo is a child, hence, creating identical embryos would be in violation of the law. Under this definition, an existing reproductive technology known as blastomere or blastocyst splitting would be prohibited. This method is used to treat women with reduced fertility, particularly those who are older and wish to have more than one child but are unable or unwilling to undergo the drug treatments necessary to stimulate hyperovulation. It may also be used with donor eggs. What is done, in essence, is to fertilize one egg and after just a few cell divisions, split the early embryo. This mimics the occurrence in nature of identical twins. However, the mother has the option of implanting both embryos, or freezing one and implanting it at a later date, thus creating non-contemporaneous twins.

If one believes that life begins at birth, then it would be permissible to create a cloned embryo, implant that embryo in a woman's uterus, and abort it at any point prior to birth. This course has the same shortcomings as Option 2 in that it may be interpreted to encourage abortion.

Recommendation:

We propose that you select Option C. so as to: maintain as narrow a prohibition as possible, thus protecting a wide range of biomedical research, and preserve the status quo with respect to incentives for abortion.

Approve: _____ Disapprove: _____ Discuss: _____

II. Federal Pre-emption of State Regulation

The industry is strongly advocating that the Administration use this bill to pre-empt state laws restricting cloning research. The industry cites the California Bill as an example of the type

of provision that would prohibit appropriate biomedical research on cloning and they fear that the political climate would likely pressure states to adopt unduly restrictive measures.

There are also a number of reasons arguing against pre-emption at this time. For example, federalism concerns would normally militate against preemption unless it could be shown that such action is necessary (e.g. when there is a need for national standards). In this case, although the industry might be inconvenienced by the existence of differing laws, there is no clear reason why uniform standards are required. Indeed, in the area of biomedical research, there is a strong argument in favor of allowing the states to experiment with a wide range of options because no single correct approach to this issue is immediately obvious. Moreover, the industry's fears that the states would act in concert to preclude important biomedical research, beyond the use of cloning to create a child, seem unwarranted. It is not likely that every state would choose to ban all research because the states that elect to forego restrictive regulation would be likely, on that account, to attract new industry. Finally, using this particular bill to preclude all state regulation of biomedical research is inconsistent with our position that this bill is designed to address only the limited issue of cloning and is not an attempt to address broader research issues.

Recommendation:

We recommend against adding a pre-emption clause.

Approve: _____ Disapprove: _____ Discuss: _____

Attachments:

A. Discussion of Impact of FDA Regulatory Authority on Legislative Strategy

B. H.R. 922 - Bill Introduced By Rep. Vernon Ehlers to prohibit the expenditure of Federal funds to conduct or support research on the cloning of humans.

DRAFT MEMORANDUM FOR THE PRESIDENT

FROM:

SUBJECT: Cloning: Legislative Options

Interest in cloning legislation was renewed by reports that a Chicago physicist plans to attempt to use this technology to create a child. Your January 10 radio address challenged Congress to enact a ban on private sector activities like the one you have imposed on the use of public funds. Congressional staff inquiries indicate that your challenge will be accepted. Both critics and supporters of your draft bill agree that this issue raises complex drafting problems. You have the opportunity at this juncture to stay with existing language or, alternatively, propose new wording that clarifies your position. Given the strong possibility that Congressional measures may deviate from the principles outlined in your draft bill, it may be desirable to assert your leadership and encourage your allies by providing more specific language.

Your June 9, 1997 draft legislation (Tab A): 1) prohibits the production of a child using somatic cell nuclear transfer, 2) protects valuable research, especially embryo research conducted without the use of Federal funds, 3) provides no new incentives for abortion, and 4) establishes a sunset provision. We believe these principles should underpin any cloning legislation. The prohibition wording options presented below are designed to clarify our position.

Whichever option you choose, you will have to struggle with the dichotomy between allowing most embryo research in the private sector, while maintaining a ban on the use of Federal funds with which much valuable science might be conducted. You addressed this issue in developing the current draft bill and might refer to the June 8 decision memorandum for useful discussion (Tab B). It is probable that cloning legislation will be viewed by some members of Congress as a vehicle for extending a more permanent, broad ban on embryo research.

The memorandum also presents the pros and cons associated with a clause pre-empting state legislation of human cloning, and a possible legislative strategy.

I. Prohibition Wording Options**A. Support current language without changes****Current language:**

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.

Your bill has been praised by the biomedical industry and professional societies for its narrow focus on the act of creating a human being through somatic cell nuclear transfer--the technology used to create Dolly the sheep--and the absence of any mention of embryo research. These groups also applaud your protection of noncontroversial biomedical research and the 5-year sunset provision. Current language maintains the status quo with respect to freedom to carry out embryo research in the private sector under existing (albeit limited) Federal oversight, and does not affect nor address the ban on Federal funding for a much broader class of embryo research.

The biotechnology industry and fertility research community have identified three problems with this language: (1) it appears to equate introduction into the womb with creating a human being, (2) the meaning of the word "intent" is ambiguous, and (3) the meaning of the phrase "or in any other way" is unclear. Option B describes a solution for these problems, while continuing to uphold the principles expressed in your draft bill .

B. Refine current language

Suggested modification:

It shall be unlawful for any person or other legal entity, public or private, to introduce the product of somatic cell nuclear transfer into a woman's womb in order to create a child.

This language is an improvement in that it makes it clear that violation would occur at the time of introduction into the womb of the product of cloning. However, the phrase "in order to create child" carries with it two problems: (1) defining a child and when life begins, and (2) "in order to" still implies intent. Option C avoids these pitfalls/difficulties.

C. Continue to support the principles in the existing bill, but clarify its scope

Suggested modification:

It shall be unlawful for any person or other legal entity, public or private, to introduce the product of somatic cell nuclear transfer into a woman's womb.

You have been sensitive to the need to be very careful in setting a boundary around permissible biomedical research; hence this bill's narrow focus. The phrase "in order to create a child" maintains that view. However, it suggests two potentially troubling scenarios of which you should be aware. First, it could be interpreted that it encourages abortion because transfer of the product of cloning would be prohibited only if it was done to create a child, but not if it was done with the intention to abort. Second, someone caught in the act of attempting to create a child using this method could avoid liability simply by aborting the cloned embryo

or fetus. Therefore, we would suggest that "in order to create a child" be deleted.

This clear language means that during the time this law is in effect, no one in the public or private sectors may perform somatic cell nuclear transfer and implant the resulting product in a woman's uterus. Today, this is legal in the private sector, although it may be possible to exert some regulatory oversight, as discussed in the background attachment. Some fertility research would be precluded under this option, although it is difficult to determine how much because efforts are generally made to sustain a pregnancy after implantation, not to perform experiments with the intention of aborting. Your National Bioethics Advisory Commission recommended a temporary ban on the use of somatic cell nuclear transfer to create child only after hearing testimony that a 3-5 year prohibition would not impede medical research progress, as long as animal cloning experiments were permitted. We have been told that the fertility research community would not object to this approach.

The right-to-life community has criticized your bill based on their interpretation that it would allow the creation of embryos for research purposes using private funds as long as those embryos were aborted subsequently. Option C still permits the creation of embryos, but removes the incentive for abortion. While the scientific and medical communities supported your earlier version, it is likely that you will retain their support even with this change in view of the larger threats that Congress might impose on research. However, it does make retention of the **sunset clause** all the more crucial. Sen. Bond, Rep. Ehlers, and others will oppose a sunset clause.

D. Adopt a more general prohibition

Your bill is intended to prevent anyone from creating a child who is a genetically identical copy of an existing or previously existing person. Somatic cell nuclear transfer is one way of accomplishing this feat and you endorsed the recommendation of your National Bioethics Advisory Commission in limiting the scope of your bill to the use of such technology to create a child. However, other groups including the American Society for Reproductive Medicine and Council of Europe have proposed more general, non-technology specific bans. One example might be the following:

It shall be unlawful to create a child who is genetically identical to an existing or previously existing child or adult.

We oppose this approach because it raises many of the same problems addressed in Options A and B; namely, defining a child and when life begins. It would also bar reproductive technology currently in use in the U.S.

Recommendation:

We propose that you select Option C so as to: maintain a narrowly focused prohibition, thus protecting the widest possible range of biomedical research while not creating any new incentives for abortion.

Approve: _____ Disapprove: _____ Discuss: _____

II. Federal Pre-emption of State Regulation

The industry is strongly advocating that the Administration use this bill to pre-empt state laws restricting cloning research. The industry cites the California Bill as an example of the type of provision that would prohibit appropriate biomedical research on cloning and they fear that the political climate would likely pressure states to adopt unduly restrictive measures.

There are also a number of reasons arguing against pre-emption at this time. For example, federalism concerns would normally militate against preemption unless it could be shown that such action is necessary (e.g. when there is a need for national standards). In this case, although the industry might be inconvenienced by the existence of differing laws, there is no clear reason why uniform standards are required. Indeed, in the area of biomedical research, there is a strong argument in favor of allowing the states to experiment with a wide range of options because no single correct approach to this issue is immediately obvious. Moreover, the industry's fears that the states would act in concert to preclude important biomedical research, beyond the use of cloning to create a child, seem unwarranted. It is not likely that every state would choose to ban all research because the states that elect to forego restrictive regulation would be likely, on that account, to attract new industry. Finally, using this particular bill to preclude all state regulation of biomedical research is inconsistent with our position that this bill is designed to address only the limited issue of cloning and is not an attempt to address broader research issues.

Recommendation:

We recommend against adding a pre-emption clause.

Approve: _____ Disapprove: _____ Discuss: _____

III. Legislative Strategy

Because the amendment process is difficult to control and extreme amendments may make ultimate support of transmitted Administration legislation

undesirable, we recommend encouraging our allies in Congress to incorporate your improved language into their legislation. Senator Diane Feinstein is currently drafting legislation and might be receptive.

Cloning legislation already introduced:

HR 922 by Ehlers - prohibition of Federal funds to conduct or support research on the cloning of humans. Passed out of House Science Committee. Jurisdiction claimed by House Commerce. No hearing date set.

HR 923 by Ehlers - prohibition on cloning humans. House Judiciary Committee. No hearing date.

S 368 by Bond - prohibition of use of Federal funds for human cloning research. No action to date.

Tabs:

- A. June 9, 1997 draft Administration bill
- B. June 8, 1997 Decision memorandum
- C. Discussion of Impact of FDA Regulatory Authority on Legislative Strategy

JUDD GREGG
NEW HAMPSHIRE

CHIEF DEPUTY WHIP

COMMITTEES:

BUDGET

APPROPRIATIONS

LABOR AND HUMAN RESOURCES

United States Senate

WASHINGTON, DC 20510-2804
(202) 224-3924

Health

OFFICES:

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CONCORD, NH 03301
(603) 223-7115

28 WEBSTER STREET
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(603) 622-7978

3 GLEN AVENUE
BERLIN, NH 03570
(603) 752-2604

99 PEASE BOULEVARD
PORTSMOUTH, NH 03801
(603) 431-2171

January 14, 1998

Dear Colleague:

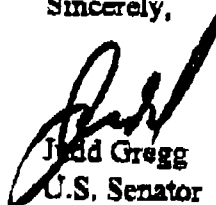
When we return for the second session of the 105th Congress, there is an issue that will require our immediate action: the cloning of human beings. I firmly believe that there needs to be an outright prohibition on the possible development of this procedure. Current law prohibits federal funds going toward human embryo research, but we must clearly now extend the ban to private activities as well. That is why I will be introducing legislation upon our return to ban human embryo creation by the process of cloning.

It has been almost 12 months since the world learned that, after 276 unsuccessful attempts, Dr. Ian Wilmut of the Roslin Institute in Scotland had actually managed to clone a sheep that became known as "Dolly." Since that time, the debate has gone from the theoretical to the possible implications of this ability to clone living beings. However, the overwhelming consensus has been that while cloning may hold some important scientific promise for producing therapies where they may not exist -- such as growing skin from skin cells for burn victims -- as well as potential for important agricultural and botanical advances, there is little tolerance for those who entertain the notion of reproducing human "carbon copies."

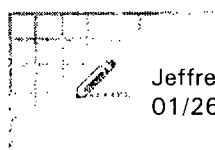
My legislation is modeled on a law that was enacted last year in the State of California, that became effective January 1, 1998. Similar to the California law, my bill makes the cloning of a human being unlawful. My bill differs from the California law, however, in that it outlaws human embryo creation even for the purpose of research. My proposal does allow certain genetic research that does not involve cloning human embryos to continue. This legislation sets up a system of penalties for the violation of this law that will serve as a deterrent for such activities in either the public or the private sector.

I hope that you will join me as a cosponsor of this legislation, which I will circulate shortly. I do not believe that we here in the Senate have the luxury of time on this issue. I hope to see this legislation considered expediently upon our return. If you are interested in being a cosponsor, please contact Kimberly Spaulding or Alan Gilbert of my staff at 4-0136.

Sincerely,


Judd Gregg
U.S. Senator

(R) NH



Jeffrey M. Smith
01/26/98 10:12:52 AM

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January 26, 1998

**SOME SCIENTISTS OK A "PROPERLY" WORDED LEGISLATIVE HUMAN CLONING BAN
OTHER PROMISING CLONING RESEARCH MUST BE PROTECTED, THEY SAY**

A Chicago scientist's declaration that he wants to establish a clinic for the cloning of human beings has prompted some scientific leaders to rethink their initial position that legislation banning the cloning of a human being is not necessary.

Scientific leaders now say proposals such as Chicago scientist Richard Seed's are an indication cloning legislation is needed. But they still caution against passing laws that are hastily written and poorly worded, saying tight and unnecessary restrictions would deny many people beneficial medical treatments and services.

Seed's announcement has created a public outcry and sent elected officials at the state and federal level scrambling to establish laws prohibiting some cloning techniques.

Both President Clinton and the National Bioethics Advisory Commission have already declared a moratorium on human cloning. Their decision was reached after a group of scientists revealed they had used somatic cell techniques to clone the sheep known as "Dolly." (see Washington Fax 6/10/97)

At a Tuesday press conference, the American Society for Reproductive Medicine (ASRM) called the

practice of cloning an existing human being "unacceptable."

Ralph Yount, Federation of American Societies for Experimental Biology (FASEB) president, issued a similar statement last week, and criticized any plans to clone a human being at the present time.

"Cloning a human being would be unethical and reprehensible," said Yount, a biochemistry and chemistry professor at Washington State University. "The techniques that created Dolly are unreliable: only one of 277 embryos actually produced a viable adult sheep, and it is not even known yet that Dolly will live a normal life span. Applying to human beings today the unreliable techniques which led to Dolly only last year would be unacceptable."

While a cloning prohibition is needed, such legislation should not be hastily drafted, said ASRM Executive Director Benjamin Younger, using a California cloning ban as an example.

"We have seen a poorly worded piece of legislation passed in California, which in essence, closes the door on promising research because it uses an overly broad definition of cloning," he said. "We must work together to ensure that in our effort to make human cloning illegal we do not sentence millions of people to needless suffering because research and progress into their illness cannot proceed."

ASRM introduced their own legislation Tuesday that would make it unlawful for "any person to create a human child by transferring the nucleus from a somatic cell of an existing or previously existing person into an oocyte from which the nucleus has been removed."

According to ASRM--which has more than 9,500 members who specialize in reproductive medicine and biology--their legislative model would protect other areas of biomedical and agricultural research. While their legislation would also be time-limited and preempt state laws, Younger said no one on Capitol Hill has yet been willing to cosponsor ASRM's bill.

The legislative model constructed by ASRM would place a five-year ban on human cloning, which is the same time frame proposed by President Clinton.

During the press conference Younger and ASRM legislative liaison Sean Tipton criticized House bill H.R.923, "The Human Cloning Prohibition Act." The bill, introduced by Vernon Ehlers, R-MI, who is a scientist, has been sent to the House Commerce Committee for referral. According to Tipton, the bill is poorly worded, and would prohibit beneficial research and practical medical applications. The bill also lacks a time period for future scientific and ethical review, Tipton said. He explained that if such a bill were passed, human cloning would be banned permanently, unless the law was repealed by Congress. (see Washington Fax 7/31/97)

Congress is also reviewing two bills that would prohibit federal funding for the cloning of humans. Both the House version, H.R.922, and its Senate counterpart, S.368, would also impose a civil money penalty not to exceed \$5,000 on anyone breaking the cloning prohibition. According to ASRM, embryo splitting for infertility treatment should be allowed, but Ehler's bill, as currently written, would prohibit the practice.

Meanwhile the Food and Drug Administration has announced it will regulate any attempts to use high-level cell manipulation techniques that could lead to the cloning of a human being. According to FDA sources, this action would include taking legal action if necessary.

With 14 life science societies, FASEB is the largest coalition of biological and biomedical scientists in the United States. Their Public Affairs Executive Committee recently passed a resolution that closely resembles ASRM's.

While Dolly's unveiling last February raised concerns about human cloning, Biotechnology Industry Organization (BIO) President Carl Feldbaum said the public has since learned the 20-year-old practice of cloning cells, genes and tissues can be beneficial to many people.

"While these techniques do not lead to the cloning of a human being, they do have promise, for example, to enable us to regenerate spinal cord tissue for accident victims and skin for burn victims," Feldbaum explained.

--John B. Everton

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*newest Feinstein bill-- this
is the one they want
comments on.*

Have also faxed to Rachel

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☐ JANE HORVATH

☐ HOLLY BODE

☐ SHARON CLARKIN

☐ SEAN DONOHUE

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☐

(INCLUDING COVER): -9-

REMARKS: _____

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S.L.C.

DRAFT

105TH CONGRESS
2D SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on _____

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.—**

4 This Act may be cited as the "Prohibition on Cloning
5 of Human Beings Act of 1998".

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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S.L.O.

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1 (1) it has been reported that an adult sheep has
2 been cloned using a technique called somatic cell nu-
3 clear transfer, a form of cloning;

4 (2) the National Bioethics Advisory Commission
5 (referred to in this Act as the "NBAC") has re-
6 viewed the scientific and ethical implications of the
7 potential use of such technology to clone human
8 beings;

9 (3) the NBAC has determined that—

10 (A) somatic cell nuclear transfer tech-
11 nology may have many applications for bio-
12 technology, livestock productions, and new med-
13 ical approaches including the production of
14 pharmaceutical proteins and prospects for re-
15 generation and repair of human tissues; and

16 (B) the possibility of using somatic cell nu-
17 clear transfer for the purposes of creating a
18 child entails significant scientific uncertainty
19 and medical risk, which could result in harm to
20 a child;

21 (4) the NBAC concluded unanimously that at
22 this time it is morally unacceptable for anyone in the
23 public or private sector, whether in a research or
24 clinical setting, to attempt to create a child using so-
25 matic cell nuclear transfer-cloning;

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S.L.C.

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1 (5) the consensus of the NBAC is based on our-
2 rent scientific information indicating that this tech-
3 nique is not safe to use in humans at this time;

4 (6) in addition to issues of safety, the NBAC
5 identified many additional serious ethical concerns
6 which they agreed require a great deal more wide-
7 spread and careful public deliberation before this
8 technology may be used;

9 (7) the NBAC recommended a continuation of
10 the current moratorium on the use of Federal funds
11 to support any attempt to create a child by somatic
12 cell nuclear transfer, and an immediate request to
13 all firms, clinicians, investigators, and professional
14 societies to comply voluntarily with the intent of the
15 Federal moratorium;

16 (8) the NBAC further recommended that Fed-
17 eral legislation be enacted to prohibit anyone from
18 attempting, whether in a research or clinical setting,
19 to create a child through somatic cell nuclear trans-
20 fer cloning;

21 (9) the NBAC also recommended that the Unit-
22 ed States cooperate with other countries to enforce
23 mutually supported restrictions on this activity;

24 (10) the NBAC specified that such Federal leg-
25 islation should include a sunset provision and that,

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1 prior to the sunset date, an oversight body should
2 review and report on the status of somatic cell nu-
3 clear transfer technology and the ethical and social
4 issues associated with its use and recommend wheth-
5 er the prohibition should be continued;

6 (11) the NABO concluded that any regulatory
7 or legislative actions undertaken to effect the fore-
8 going prohibition should be carefully written so as
9 not to interfere with other important areas of re-
10 search, such as the cloning of human DNA se-
11 quences and cells, which raise neither the scientific
12 nor the ethical issues that arise from the possible
13 creation of children through somatic cell nuclear
14 transfer techniques;

15 (12) the NABO also found that cloning animals
16 by somatic cell nuclear transfer does not raise the
17 same issues implicated in attempting to use the
18 technique to create a child, and its continuation
19 should only be subject to existing regulations regard-
20 ing the humane use of animals; and

21 (13) biomedical research facilities, including
22 those conducting cloning, and reproductive services
23 facilities affect interstate commerce.

24 **SEC. 3. PURPOSES.**

25 It is the purpose of this Act to—

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S.L.C

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

4 (2) provide for further review of the ethical and
5 scientific issues associated with the use of somatic
6 cell nuclear transfer in humans.

7 SEC. 4. DEFINITIONS.

8 In this Act:

9 (1) CLONING.—The term "cloning" means the
10 production of a precise genetic copy of a molecule
11 (including DNA), cell, tissue, plant, animal, or
12 human.

13 (2) NUCLEUS.—The term "nucleus" means the
14 cell structure that houses the chromosomes, and
15 thus the genes.

16 (3) OOCYTE.—The term "oocyte" means the fe-
17 male germ cell, the egg.

18 (4) SOMATIC CELL.—The term "somatic cell"
19 means a mature, diploid cell.

20 (5) SOMATIC CELL NUCLEAR TRANSFER.—The
21 term "somatic cell nuclear transfer" means transfer-
22 ring the nucleus of a somatic cell of an existing or
23 previously existing human child or adult into an oo-
24 cyte from which the nucleus has been removed.

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S.L.C.

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1 **SEC. 5. PROHIBITION.**

2 It shall be unlawful for any person or other legal en-
3 tity, public or private, to implant or attempt to implant
4 the product of somatic cell nuclear transfer into a woman's
5 uterus.

6 **SEC. 6. PROTECTED BIOMEDICAL RESEARCH**

7 Nothing in this Act shall be construed to restrict
8 areas of biomedical and agricultural research or practice
9 not expressly prohibited in this Act, including research or
10 practices that involve—

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

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

16 **SEC. 7. PENALTIES.**

17 (a) **IN GENERAL.**—Any person who intentionally vio-
18 lates the provisions of section 5 shall be fined the greater
19 of \$250,000 or 2 times the gross pecuniary gain or loss
20 resulting from the violation.

21 (b) **CIVIL ACTIONS.**—If a person is violating or about
22 to violate the provisions of section 5, the Attorney General
23 may commence a civil action in an appropriate Federal
24 district court to enjoin such violation.

25 (c) **FORFEITURE.**—Any property, real or personal,
26 derived from or used to commit a violation or attempted

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1 violation of the provisions of section 5, or any property
2 traceable to such property, shall be subject to forfeiture
3 to the United States in accordance with the procedures
4 set forth in chapter 46 of title 18, United States Code.

5 (d) **AUTHORITY.**—The Attorney General shall have
6 exclusive, nondelegable enforcement authority under this
7 Act.

8 (e) **ADVISORY OPINIONS.**—The Attorney General
9 shall, upon request, render binding advisory opinions re-
10 garding the scope, applicability, interpretation, and en-
11 forcement of this Act with regard to specific research
12 projects or practices.

13 **SEC. 8. COOPERATION WITH FOREIGN COUNTRIES.**

14 It is the sense of Congress that the President should
15 cooperate with foreign countries to enforce mutually sup-
16 ported restrictions on the activities prohibited under sec-
17 tion 5.

18 **SEC. 9. NATIONAL BIOETHICS ADVISORY COMMISSION RE-**
19 **PORT.**

20 Not later than 4½ years after the date of enactment
21 of this Act, the National Bioethics Advisory Commission
22 shall prepare and submit to the President a report con-
23 cerning—

24 (1) the state of the science of somatic cell nu-
25 clear transfer;

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8

1 (2) the ethical and social issues associated with
2 the potential use of this technology in humans; and
3 (8) the advisability of continuing the prohibition
4 established under this Act.

5 The Commission is authorized to continue for the 10-year
6 period described in section 12 to prepare such report and
7 for other purposes as established in Executive Order
8 122975 and subsequent amendments to such Order.

9 **SEC. 10. RIGHT OF ACTION.**

10 Nothing in this Act shall be construed to give any
11 individual or person a private right of action.

12 **SEC. 11. PREEMPTION OF STATE LAW.**

13 The provisions of this Act shall preempt any State
14 law that prohibits or limits research or practices regarding
15 somatic cell nuclear transfer, human cloning, cloning of
16 molecules, DNA, cells, or tissues, the use of somatic cell
17 nuclear transfer techniques to develop animals, or related
18 research.

19 **SEC. 12. EFFECTIVE DATE.**

20 This Act shall be effective for the 10-year period be-
21 ginning on the date of enactment of this Act. The prohibi-
22 tions contained in this Act shall terminate at the expira-
23 tion of such 10-year period.



United States Senate

Senator Ben Nighthorse Campbell

COLORADO

Facsimile Cover Sheet

Date: 1/28To: Stacy/Lucia WymanDestination Fax: 456-2604From: Raisa QuintalNumber of pages to follow: 5

Comments: Attached is a copy of S. 1574
and Sen. Campbell's statement. Pls.
call w/ further questions. Thanks —

☒ 380 Russell Senate Office Building
Washington, D.C. 20510
(202) 224-5852
(202) 224-1933 fax

☐ 1129 Pennsylvania Street
Denver, CO 80203
(303) 866-1900
(303) 866-1919 fax

☐ 105 East Vermijo, Suite 550
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(719) 636-9092
(719) 636-9165 fax

☐ 720 Main Street
Suite 402
Pueblo, CO 81003
(719) 542-6987
(719) 542-2515 fax

☐ 19 Old Town Square
Suite 238, #42
Fort Collins, CO 80524
(970) 224-1909
(970) 224-1948 fax

☐ 300 Main Street
Suite 306
Grand Junction, CO 81501
(970) 241-6631
(970) 241-8313 fax

Handwritten notes:
If comments received
by 1/28/98
and sent above
Packed
6/6/98

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S.L.C.

S. 1574

105TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prohibit the cloning of humans.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Human Cloning Prohi-
5 bition Act".

6 **SEC. 2. FINDING.**

7 Congress finds that the Federal Government has a
8 moral obligation to the nation to prohibit the cloning of
9 humans.

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1 **SEC. 3. PROHIBITION ON HUMAN CLONING.**

2 (a) **IN GENERAL.**—It shall be unlawful for any per-
3 son to—

4 (1) clone a human being; or

5 (2) conduct research for the purpose of cloning
6 a human being or otherwise creating a human em-
7 bryo.

8 (b) **FEDERAL FUNDS.**—No Federal funds may be ob-
9 ligated or expended to knowingly conduct or support any
10 project of research the purpose of which is to clone a
11 human being or otherwise create a human embryo.

12 (c) **DEFINITION.**—As used in subsection (a), the
13 terms “clone” and “cloning” mean the practice of creating
14 or attempting to create a human being by transferring the
15 nucleus from a human cell from whatever source into a
16 human egg cell from which the nucleus has been removed
17 for the purpose of, or to implant, the resulting product
18 to initiate a pregnancy that could result in the birth of
19 a human being.

20 **SEC. 3. ENFORCEMENT.**

21 (a) **CIVIL PENALTIES.**—Whoever is found to be in
22 violation of section 2 shall be subject to a civil penalty
23 of not more than \$ 5,000 for each such viola-
24 tion.

25 (b) **INELIGIBILITY FOR FEDERAL FUNDS.**—A indi-
26 vidual found to be in violation of section 2 shall not be

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- 1 eligible to receive any Federal funding for research regard-
- 2 less of the type of research being conducted for a period
- 3 of 5-years after such violation.

STATEMENT BY SENATOR BEN NIGHTHORSE CAMPBELL
ON THE HUMAN CLONING PROHIBITION ACT

Mr. President. Today I am introducing a bill to prohibit the cloning of humans. This act would further extend last year's law which banned federal funding of human cloning. Under my bill, there would be an outright ban on human cloning, whether publically or privately funded.

The scientific term for human cloning is "human somatic cell nuclear transfer." That is what my bill would ban. My bill would not undermine or stifle scientific research in the area of genetics that promises to combat and cure disease in humans. This research includes the cloning of animals and human cells other than embryo cells.

I am not a scientist and do not wish to insert myself in the process of scientific research and advances, from which we all benefit. However, when science crosses over the boundary of what is ethically and morally appropriate research, I have an obligation to respond on behalf of myself and my constituents. Congress — and its law-making authority — is the only mechanism available to address the issue of human cloning and assert the will of the American people that it not go forward.

We have a responsibility to protect the moral and ethical foundation upon which this country was built. In recognizing that responsibility, both the Senate and House committees with jurisdiction have carefully looked at the implications of moving forward with legislation to ban human cloning. They have tapped the experts in the science of genetics and have confirmed what we as laymen believe — the cloning of humans is morally unacceptable and scientifically dangerous.

During a March 12, 1997, House Committee on Science, Subcommittee on Technology hearing, the National Bioethics Advisory Commission testified that there is sufficient cause to warrant legislation because a developing child would be subject to undue harm as a result of current unscientifically plausible technology. In summarizing the Commission's report before the Subcommittee, its Chairman, Dr. Harold T. Shapiro, noted that this deficiency in the technology was coupled with far-reaching concern that human cloning is not deemed morally acceptable by society as a whole.

A final hearing was held July 22, 1997, during which Dr. Hessel Bouma, a professor of biology, said it best. The transcript states that "he stressed the uniqueness, freedom, and respect intrinsic to human life. Cloning, Dr. Bouma testified, is in direct violation of all three, and therefore should be prohibited by law."

Mr. President, I don't think any of us can argue with that.

I would like to urge my colleagues to take swift action and impose a ban on human cloning. We are all aware of the activities in Chicago to move forward with a human cloning experiment, so time is of the essence. I would ask that we work together over the coming weeks to pass a bill to

prevent this and future efforts to wrongly clone humans.

I ask unanimous consent that the bill be printed in the Record.

Thank you, Mr. President. I yield the Floor.



FAX Transmittal Sheet

DATE: January 27, 1998

TO: Lucia Wyman

ORGANIZATION: WHL

TELEPHONE: 61720

FAX: 62604

FROM: RACHEL E. LEVINSON

TELEPHONE: (202) 456-6137

FAX: (202) 456-6027

NUMBER OF PAGES, INCLUDING COVER PAGE: 14

SPECIAL INSTRUCTIONS: Feinstein's bill for comment cob today. It is based on our's with a few modifications: It still has a 10-year sunset. It uses ASRM's defs and a hybrid prohibition.

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01/18/98 16:54 TT314 935 8188

JPM.15.1998 11:48:07

ON BAI BAIDS.070

AAU
WASHINGTON UNIV.

NO. 222

002

S.L.C.

106TH CONGRESS
2D SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. BORD introduced the following bill, which was read twice and referred to the Committee on _____

A BILL

To prohibit any project that includes the use of human somatic cell nuclear transfer to produce an embryo, ~~to~~ ~~provide~~, to provide for the protection of certain important and promising scientific work, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Human Cloning Prohi-
5 bition Act of 1998".

6 SEC. 2. PURPOSES.

7 It is the purpose of this Act to—

01/27/98 TUE 09:01 FAX 202 408 8184

AAU
WASHINGTON UNIV.

01/16/98 18:54 314 935 5188

NO. 823

P. 35 003

JAN. 16. 1998 11:42AM

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1 (1) prohibit any attempt to create an embryo,
 2 [REDACTED] using human somatic cell nuclear
 3 transfer; and

4 (2) provide for the protection of certain promiss-
 5 ing and important scientific research.

6 SEC. 8. PROHIBITION ON CLONING.

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

9 "CHAPTER 16—CLONING

"Sec.

"801. Prohibition on cloning.

10 "§ 801 Prohibition on cloning

11 "(a) IN GENERAL.—It shall be unlawful for any per-
 12 son or entity, public or private, to knowingly use human
 13 somatic cell nuclear transfer technology to produce an em-
 14 bryo, [REDACTED].

15 "(b) PURCHASE OR SALE.—It shall be unlawful for
 16 any person or entity, public or private, to knowingly pur-
 17 chase or sell an ovum, embryo, or fetus for the purpose
 18 of using human somatic cell nuclear transfer technology
 19 to produce an embryo, [REDACTED].

20 "(c) FEDERAL FUNDS.—No Federal funds may be
 21 obligated or expended to knowingly conduct or support
 22 any project of research that includes the use of human
 23 somatic cell nuclear transfer technology to produce an em-
 24 bryo, [REDACTED].

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1 "(d) **PENALTIES.**—

2 "(1) **IN GENERAL.**—Any person or entity who is
3 convicted of violating any provision of this section
4 shall be fined according to the provisions of this title
5 or sentenced to up to 5 years in prison, or both.

6 "(2) **FORFEITURE.**—Any property, real or per-
7 sonal, derived from or used to commit a violation or
8 attempted violation of this section, or any property
9 traceable to such property, is subject to forfeiture to
10 the United States in accordance with the procedure
11 set forth in chapter 46.

12 "(e) **DEFINITIONS.**—In this section:

13 "(1) **EMBRYO.**—The term 'embryo' means the
14 developing organism from the time of fertilization, or
15 from the time of the single cell stage at the incep-
16 tion of growth and development of an organism,
17 until significant differentiation has occurred.

18 "(2) **HUMAN SOMATIC CELL NUCLEAR TRANS-**
19 **FER.**—The term 'human somatic cell nuclear trans-
20 fer' means transferring the nucleus of a human so-
21 matic cell into an oocyte from which the nucleus has
22 been removed or rendered inert.

23 "(3) **OOCYTE.**—The term 'oocyte' means the
24 mature female germ cell, the egg.

01/27/98 TUE 09:02 FAX 202 405 3184

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1 “(4) **SOMATIC CELL.**—The term ‘somatic cell’
2 means any cell of an embryo, fetus, child, or adult
3 that is not a germ cell or is not destined to become
4 a germ cell.”.

5 **(b) CLERICAL AMENDMENT.**—The table of chapters
6 for part I of title 18, United States Code, is amended by
7 inserting after the item relating to chapter 15, the follow-
8 ing:

“18. **Cloning §301.**”

9 **SEC. 4. REVIEW.**

10 **(a) AGREEMENT.**—The Director of the National
11 Science Foundation and the Director of the National In-
12 stitutes of Health shall enter into an agreement with the
13 National Research Council for the conduct of a review of
14 the implementation of this Act (and the amendments
15 made by this Act.

16 **(b) REPORT.**—Not later than 5 years after the date
17 of the enactment of this Act, the Directors referred to in
18 subsection (a) shall prepare and submit to the appropriate
19 committees of Congress a report containing the results of
20 the review conducted under subsection (a), including the
21 conclusions of the National Research Council concern-
22 ing—

23 (1) the impact that the implementation of this
24 Act (and the amendment made by this Act) has had
25 on research; and

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1 (2) recommendations for any appropriate
2 changes to this Act (and amendments).

3 **SEC. 5. PROTECTED SCIENTIFIC RESEARCH.**

4 Nothing in this Act (or an amendment made by this
5 Act) shall be construed to restrict areas of scientific re-
6 search that are not specifically prohibited by this Act (or
7 amendments), including important and promising work
8 that includes—

9 (1) the use of somatic cell nuclear transfer or
10 other cloning technologies to clone molecules, DNA,
11 cells ~~_____~~, tissues, or
12 plants; or

13 (2) the use of somatic cell nuclear transfer
14 techniques or other cloning technologies to create
15 animals other than humans.

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105TH CONGRESS
2D SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on _____

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**---

4 This Act may be cited as the "Prohibition on Cloning
5 of Human Beings Act of 1998".

6 **SEC. 2. FINDINGS.**

7 Congress finds that---

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1 (1) it has been reported that an adult sheep has
2 been cloned using a technique called somatic cell nu-
3 clear transfer, a form of cloning;

4 (2) the National Bioethics Advisory Commission
5 (referred to in this Act as the "NBAC") has re-
6 viewed the scientific and ethical implications of the
7 potential use of such technology to clone human
8 beings;

9 (3) the NBAC has determined that—

10 (A) somatic cell nuclear transfer tech-
11 nology may have many applications for bio-
12 technology, livestock productions, and new med-
13 ical approaches including the production of
14 pharmaceutical proteins and prospects for re-
15 generation and repair of human tissues; and

16 (B) the possibility of using somatic cell nu-
17 clear transfer for the purposes of creating a
18 child entails significant scientific uncertainty
19 and medical risk, which could result in harm to
20 a child;

21 (4) the NBAC concluded unanimously that at
22 this time it is morally unacceptable for anyone in the
23 public or private sector, whether in a research or
24 clinical setting, to attempt to create a child using so-
25 matic cell nuclear transfer-cloning;

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1 (5) the consensus of the NBAC is based on cur-
2 rent scientific information indicating that this tech-
3 nique is not safe to use in humans at this time;

4 (6) in addition to issues of safety, the NBAC
5 identified many additional serious ethical concerns
6 which they agreed require a great deal more wide-
7 spread and careful public deliberation before this
8 technology may be used;

9 (7) the NBAC recommended a continuation of
10 the current moratorium on the use of Federal funds
11 to support any attempt to create a child by somatic
12 cell nuclear transfer, and an immediate request to
13 all firms, clinicians, investigators, and professional
14 societies to comply voluntarily with the intent of the
15 Federal moratorium;

16 (8) the NBAC further recommended that Fed-
17 eral legislation be enacted to prohibit anyone from
18 attempting, whether in a research or clinical setting,
19 to create a child through somatic cell nuclear trans-
20 fer cloning;

21 (9) the NBAC also recommended that the Unit-
22 ed States cooperate with other countries to enforce
23 mutually supported restrictions on this activity;

24 (10) the NBAC specified that such Federal leg-
25 islation should include a sunset provision and that,

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1 prior to the sunset date, an oversight body should
2 review and report on the status of somatic cell nu-
3 clear transfer technology and the ethical and social
4 issues associated with its use and recommend wheth-
5 er the prohibition should be continued;

6 (11) the NABO concluded that any regulatory
7 or legislative actions undertaken to effect the fore-
8 going prohibition should be carefully written so as
9 not to interfere with other important areas of re-
10 search, such as the cloning of human DNA se-
11 quences and cells, which raise neither the scientific
12 nor the ethical issues that arise from the possible
13 creation of children through somatic cell nuclear
14 transfer techniques;

15 (12) the NABO also found that cloning animals
16 by somatic cell nuclear transfer does not raise the
17 same issues implicated in attempting to use the
18 technique to create a child, and its continuation
19 should only be subject to existing regulations regard-
20 ing the humane use of animals; and

21 (13) biomedical research facilities, including
22 those conducting cloning, and reproductive services
23 facilities affect interstate commerce.

24 **SEC. 3. PURPOSES.**

25 It is the purpose of this Act to—

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

4 (2) provide for further review of the ethical and
5 scientific issues associated with the use of somatic
6 cell nuclear transfer in humans.

7 **SEC. 4. DEFINITIONS.**

8 In this Act:

9 (1) **CLONING.**—The term “cloning” means the
10 production of a precise genetic copy of a molecule
11 (including DNA), cell, tissue, plant, animal, or
12 human.

13 (2) **NUCLEUS.**—The term “nucleus” means the
14 cell structure that houses the chromosomes, and
15 thus the genes.

16 (3) **OOCYTE.**—The term “oocyte” means the fe-
17 male germ cell, the egg.

18 (4) **SOMATIC CELL.**—The term “somatic cell”
19 means a mature, diploid cell.

20 (5) **SOMATIC CELL NUCLEAR TRANSFER.**—The
21 term “somatic cell nuclear transfer” means transfer-
22 ring the nucleus of a somatic cell of an existing or
23 previously existing human child or adult into an oo-
24 cyte from which the nucleus has been removed.

1 **SEC. 5. PROHIBITION.**

2 It shall be unlawful for any person or other legal en-
3 tity, public or private, to implant or attempt to implant
4 the product of somatic cell nuclear transfer into a woman's
5 uterus.

6 **SEC. 6. PROTECTED BIOMEDICAL RESEARCH**

7 Nothing in this Act shall be construed to restrict
8 areas of biomedical and agricultural research or practice
9 not expressly prohibited in this Act, including research or
10 practices that involve—

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

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

16 **SEC. 7. PENALTIES.**

17 (a) **IN GENERAL.**—Any person who intentionally vio-
18 lates the provisions of section 5 shall be fined the greater
19 of \$250,000 or 2 times the gross pecuniary gain or loss
20 resulting from the violation.

21 (b) **CIVIL ACTIONS.**—If a person is violating or about
22 to violate the provisions of section 5, the Attorney General
23 may commence a civil action in an appropriate Federal
24 district court to enjoin such violation.

25 (c) **FORFEITURE.**—Any property, real or personal,
26 derived from or used to commit a violation or attempted

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1 violation of the provisions of section 5, or any property
2 traceable to such property, shall be subject to forfeiture
3 to the United States in accordance with the procedures
4 set forth in chapter 46 of title 18, United States Code.

5 (d) **AUTHORITY.**---The Attorney General shall have
6 exclusive, nondelegable enforcement authority under this
7 Act.

8 (e) **ADVISORY OPINIONS.**---The Attorney General
9 shall, upon request, render binding advisory opinions re-
10 garding the scope, applicability, interpretation, and en-
11 forcement of this Act with regard to specific research
12 projects or practices.

13 **SEC. 8. COOPERATION WITH FOREIGN COUNTRIES.**

14 It is the sense of Congress that the President should
15 cooperate with foreign countries to enforce mutually sup-
16 ported restrictions on the activities prohibited under sec-
17 tion 5.

18 **SEC. 9. NATIONAL BIOETHICS ADVISORY COMMISSION RE-**
19 **PORT.**

20 Not later than 4½ years after the date of enactment
21 of this Act, the National Bioethics Advisory Commission
22 shall prepare and submit to the President a report con-
23 cerning---

24 (1) the state of the science of somatic cell nu-
25 clear transfer;

1 (2) the ethical and social issues associated with
2 the potential use of this technology in humans; and
3 (3) the advisability of continuing the prohibition
4 established under this Act.

5 The Commission is authorized to continue for the 10-year
6 period described in section 12 to prepare such report and
7 for other purposes as established in Executive Order
8 122975 and subsequent amendments to such Order.

9 **SEC. 10. RIGHT OF ACTION.**

10 Nothing in this Act shall be construed to give any
11 individual or person a private right of action.

12 **SEC. 11. PREEMPTION OF STATE LAW.**

13 The provisions of this Act shall preempt any State
14 law that prohibits or limits research or practices regarding
15 somatic cell nuclear transfer, human cloning, cloning of
16 molecules, DNA, cells, or tissues, the use of somatic cell
17 nuclear transfer techniques to develop animals, or related
18 research.

19 **SEC. 12. EFFECTIVE DATE.**

20 This Act shall be effective for the 10-year period be-
21 ginning on the date of enactment of this Act. The prohibi-
22 tions contained in this Act shall terminate at the expira-
23 tion of such 10-year period.

January 26, 1998

REGARDING: LEGISLATION TO BAN CLONING OF HUMAN BEINGS

Dear Member:

We are writing to express our concern about legislation pending in the Congress to ban the cloning of entire human beings.

Let us be clear. We oppose the cloning of a human being. We see no ethical or medical justification for the cloning of a human being and agree with the conclusions of the National Bioethics Advisory Commission (NBAC) that it is unacceptable at this time for anyone in the public or private sector, whether in a research or clinical setting, to create a human child using somatic cell nuclear transfer technology. We recognize that this application of the technology raises fundamental ethical and social issues. This technology is not currently safe to use in humans.

The American Society for Reproductive Medicine, the Biotechnology Industry Organization, and the Federation of American Societies of Experimental Biology have all stated that their members will not seek to clone a human being. These three associations include essentially every researcher or practitioner in the United States who has the scientific capability to clone a human being.

We agree with NBAC in its report on cloning that: "It is notoriously difficult to draft legislation at any particular moment that can serve to both exploit and govern the rapid and unpredictable advances of science." Poorly crafted legislation to ban the cloning of human beings may put at risk biomedical research, such as the use of cloning techniques on human cells, genes and tissues, which is vital to finding the cures to the diseases and ailments which our organizations champion. Cancer, diabetes, allergies, asthma, HIV/AIDS, eye diseases, spinal cord injuries, Guillain-Barré syndrome, Gaucher disease, stroke, cystic fibrosis, kidney cancer, Alzheimer's disease, tuberous sclerosis, tourette syndrome, alcoholism, autoimmune diseases, osteoporosis, Parkinson's disease, infertility, diseases of aging, ataxia telangiectasia and many other types of research will benefit from the advances achieved by biomedical researchers.

We urge the Congress to proceed with extreme caution and adhere to the ethical standard for physicians, "first do no harm." We believe that there are two distinct issues here, cloning of a human being and the healing which comes from biomedical research. Congress must be sure that any legislation which it considers does no harm to biomedical research which can heal those with deadly and debilitating diseases.

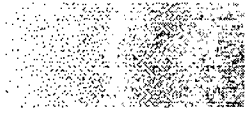
Please keep patients' concerns in mind as you proceed in analyzing this very complicated issue.

Sincerely,

AIDS Action Council
Allergy and Asthma Network/Mothers of Asthmatics, Inc.
Alliance for Aging Research
Alzheimer Aid Society
American Academy of Optometry
American Academy of Pediatrics

(more)

American Association for Cancer Education
American Association for Cancer Research
American Autoimmune Related Diseases Association
American College of Medical Genetics
American Diabetes Association
American Paralysis Association
American Pediatric Society
American Society for Reproductive Medicine
American Uveitis Society
Americans for Medical Progress
Association of Medical School Pediatric Department Chairmen
Association of Pediatric Oncology Nurses
Asthma & Allergy Foundation of America
A-T Children's Project
Cancer Research Foundation of America
Cancer Care, Inc.
Cancervive
Candlelighter's Childhood Cancer Foundation
Cystic Fibrosis Foundation
Foundation for Biomedical Research
Guillain-Barré Syndrome Foundation International
International Patient Advocacy Association
Joint Council of Allergy, Asthma and Immunology
Juvenile Diabetes Foundation International
Log Cabin AIDS Policy Institute
National Alliance for Eye and Vision Research
National Alliance of Breast Cancer Organizations (NABCO)
National Association for Biomedical Research
National Campaign to End Neurological Disorders
National Coalition for Cancer Research
National Foundation for Cancer Research
National Gaucher Foundation
National Kidney Cancer Association
National Osteoporosis Foundation
National Patient Advocate Foundation
National Stroke Association
National Tuberous Sclerosis Association
Oncology Nurses Association
Outpatient Ophthalmic Surgery Society, Inc.
Parkinson's Action Network
Radiation Research Society
Research!America
Research Society on Alcoholism
RESOLVE
Roswell Park Cancer Institute
Society for Pediatric Research
Tourette Syndrome Association, Inc.



Jerold R. Mande

01/29/98 06:30:19 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Armev Press Conference on Cloning

fyi.

Armev promises to ban all human cloning

By JIM ABRAMS
The Associated Press
01/29/98 5:36 PM Eastern

WASHINGTON (AP) -- Saying President Clinton's proposed ban doesn't go far enough, House Majority Leader Dick Armev said Thursday the House will legislate next month a permanent ban on cloning humans in the United States.

"This is the right thing to do, at the right time, for the sake of human dignity," Armev, R-Texas, said at a news conference.

Clinton issued an executive order last March banning the use of federal funds for human cloning projects.

He also proposed legislation, which Congress did not act on last year, that would outlaw the cloning of humans for at least five years. During that time the National Bioethics Advisory Commission would assess the risks and the ethical and social impact of human cloning.

Armev said Congress will pass a permanent ban. "How can you put a statute of limitations on right and wrong?" he asked.

He also contended that Clinton's plan would allow human cloning in laboratories for experimental purposes but said the Republicans' bill would "have no loopholes."

The legislation is being drafted by Rep. Vernon Ehlers, R-Mich., and Sen. Kit Bond, R-Mo., Armev said. Sen. Dianne Feinstein, D-Calif., is also introducing legislation that would put a 10-year ban on publicly or privately funded human cloning. And Sen. Bill Frist, R-Tenn., is crafting a bill under which a scientist convicted of human cloning could face up to 10 years in prison.

Momentum to outlaw cloning humans has grown since an independent Chicago scientist, Richard Seed, announced earlier this month he was trying to organize a team to do research on the procedure.

Clinton again recommended a ban in his State of the Union address Tuesday.

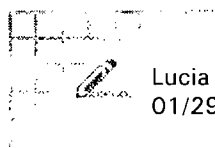
Armey said it was not the intention of the legislation to ban all experimentation on human embryos. Some scientists are perturbed that a rush to ban human cloning might unintentionally close down related research in such areas as replacement organs, the mending of spinal-cord injuries and infertility treatment.

Armey was joined at the news conference by representatives of the Christian Coalition, the conservative Family Research Council and the National Conference of Catholic Bishops, groups that contend that any manipulation of human embryos is immoral.

"Human life begins at conception," said Gary Bauer of the Family Research Council. "Cloning of human embryos is entirely unacceptable."

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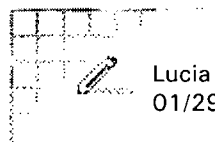


Lucia A. Wyman
01/29/98 06:09:16 PM

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Lucia A. Wyman
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thanks for the paragraph. i don't think the dilemma is whether to support Feinstein or not but whether to do it at arms length through HHS or directly from WH . and then, what implication will support have on veto/signature if bill comes w/prohibition on embryo research. how strongly do we feel about issue. do we protect research at all costs?

March

~~347-885~~

Opportunity to working w/ them

First: ⁴⁷¹³⁹ Jennifer Tow them - Ann Phelps
(option - sunset research 5 yrs
or elongations → only one
could suspect
external

~~that~~ our language has
problems but want to work w/ us

Bond: Je too Phyllis Pierce 45721
sunset clause - agree don't want to restrict
research:

Gregg: Al Gilbert 43324

Griff: 46253

Raschle: 43321

Fenster - 10 yr sunset problem

pub conference
note

Conference Call Closing 2/2

HHS Back again (you, Judy, Roger)

- (1) try to work w/ Just & Bond
- (2) delay

Judy HHS call w/ Just bill
Jennifer Johnston drafting new bill
prep conf Tues.

Lucea to set up meeting late Jan - Feb
Wt to meet late Tues or early Wed

OSTP draft letter to Feinstein
NIH has some tech analysis