

TENTH AWARD
MARINE CORPS

Mr. Archie D. Simpson, Alexandria, VA

HUMAN CLONING PROHIBITION ACT

Mr. KENNEDY. Mr. President, tomorrow the Senate will cast one of the most important votes of this Congress, and perhaps of this decade. That vote will determine whether one of the most promising avenues of research against a host of dread diseases will continue, or whether the Congress will act to ban it—and condemn millions of Americans to unnecessary death and disability in the process.

The vote that will occur is on a cloture motion to take up S. 1601. The authors of S. 1601 say that it is a bill to ban the production of human beings by cloning—an attempt to stop Dr. Seed and other unscrupulous scientists in their tracks.

But that claim cannot pass the truth in advertising test. S. 1601 isn't a bill to ban a brave new world of mass production of cloned human beings. It is not legislation to stop wealthy individuals from reproducing themselves at will in an unscrupulous and unethical attempt to achieve a kind of immortality. Instead, this legislation bans the actual technology used in human cloning research—the technology that could be used to create cures for cancer, diabetes, spinal cord injuries, arthritis-damaged joints, birth defects, and a host of terrible neurological diseases like Alzheimer's disease, Parkinson's disease, Lou Gehrig's Disease, and multiple sclerosis.

Every scientist in America understands the threat this legislation poses to critical medical research. Every American should understand it, too. A vote against cloture is a vote for medical research. It is a vote for millions of Americans suffering from dread diseases for whom the technology of cloning offers hope of new and miraculous cures. But it is certainly not a vote in favor of cloning human beings. Congress can and should act to ban cloning of human beings during this session. But it should not act in haste, and it should not pass legislation that goes far beyond what the American people want or what the scientific and medical community understands is necessary and appropriate.

Senator FEINSTEIN and I understand the importance of a ban on creating human beings by cloning. This is an ethical judgment I believe our society is ready to make. We have introduced legislation of our own that will accomplish this goal. We hope that it can be reviewed through the normal committee process of hearings and mark-up. I have no doubt that responsible legislation to ban the production of human beings by cloning can come through committee and mark-up and be passed into law during this session of Congress. But S. 1601 is not that responsible ban on cloning. It is an attempt

to capitalize on public concern to rush through a sweeping and inappropriate ban on critical medical research.

I have just received the Administration's statement of position on S. 1601. The President has taken the lead in directing a prompt response to the ethical and moral dilemmas created by human cloning. He called for a ban on creation of a human being by cloning in the State of the Union message. If S. 1601 were simply a ban on creation of a human being by cloning, it would receive his wholehearted support. But that is not what S. 1601 does, and that is why the Administration says in its letter, "On June 9, 1997, the President transmitted to Congress legislation making it illegal for anyone to create a human being through cloning. The President believes that using somatic cell nuclear transfer cloning techniques to create a human being is untested, unsafe, and morally unacceptable. The Administration, however, believes S. 1601, as introduced, is too far-reaching because it would prohibit important biomedical research aimed at preventing and treating serious and life-threatening diseases. Therefore, the Administration does not support passage of the bill in its current form."

I ask unanimous consent that the entire text of the Administration statement of position be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, February 9, 1998.

STATEMENT OF ADMINISTRATION POLICY
(This statement has been coordinated by
OMB with the concerned agencies)

S. 1601—HUMAN CLONING PROHIBITION ACT

On June 9, 1997, the President transmitted to Congress legislation making it illegal for anyone to create a human being through cloning. The President believes that using somatic cell nuclear transfer cloning techniques to create a human being is untested, unsafe, and morally unacceptable. The Administration, however, believes S. 1601, as introduced, is too far-reaching because it would prohibit important biomedical research aimed at preventing and treating serious and life-threatening diseases. Therefore, the Administration would not support passage of the bill in its current form. The Administration looks forward to working with the Congress to address these concerns. Specifically, the Administration supports amendments to S. 1601 that would:

Include a five-year sunset on the prohibition on human somatic cell nuclear transfer technology. The sunset provision would ensure a continuing examination of the risks and benefits of this, while being free from the concern that someone will use it prematurely.

Permit somatic cell nuclear transfer using human cells for the purpose of developing stem cell (unspecialized cells capable of giving rise to specific cells and tissue) technology to prevent and treat serious and life-threatening diseases and other medical conditions, including the treatment of cancer, diabetes, genetic diseases, and spinal cord injuries and for basic research that could lead to such treatments.

Strike the bill's criminal penalties and instead make any property, real or personal, derived from or used to commit violations of the Act subject to forfeiture to the United States.

Strike the bill's provisions establishing a new Commission to Promote a National Dialogue on Bioethics. The new Commission would needlessly duplicate the mission of the President's National Bioethics Advisory Commission.

The President's proposal, which in many ways is reflected in S. 1602 sponsored by Senators Feinstein and Kennedy, would prohibit any attempt to create a human being using somatic cell nuclear transfer, provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer, and protect important biomedical research.

Mr. KENNEDY. Mr. President, as the scientific and medical community learns more about this legislation, almost universal opposition is developing. The American Association of Medical Colleges has circulated a letter to other scientific and medical organizations asking that this legislation not go forward.

The letter states,

The current opportunities in biomedical research are unparalleled in our nation's history. To ensure that these continue, the scientific and organized medicine communities urge you to oppose legislation that would prohibit the use of somatic cell nuclear transfer due to the grave implications it may have for future advances in biomedical research in human healing.

They go on to compare S. 1601's attempts to ban not just cloning of human beings but use of the technique itself to the ill-considered attempts to ban recombinant DNA techniques in the '70's.

They state,

Like the recombinant DNA debate, the scientific techniques involved in cloning research hold great promise for our ability to treat and manage myriad diseases and disorders—from cancer and heart disease, to Parkinson's and Alzheimer's, to infertility and HIV/AIDS.

As of this morning, the letter had been signed by 71 distinguished organizations, from the American Academy of Allergy, Asthma, and Immunology, to the Association of American Cancer Institutes to the Parkinson's Action Network—and the list continues to grow.

A letter from Dr. Gerald R. Fink, the Director of the Whitehead Institute of the American Cancer Society—one of the pre-eminent cancer research institutes in the country—explains very clearly what is at stake. Dr. Fink says, "I am very concerned about efforts to bring the Bond bill to an immediate vote. While I agree that there should be a national ban on human cloning, it is essential that any such law protects areas of critical research that can benefit human health. The Bond bill's generic ban on the use of 'human somatic cell transfer technology,' would in fact be quite damaging to medical research progress in the United States.

"The Bond bill would seriously limit our ability to develop new cell-based strategies to fight cancer, diabetes, and

Alzheimer's disease. It would also prevent vital research on the repair of spinal cord injuries and severe burns.

"I urge you to convey to your colleagues that the Bond bill would cause us to lose ground in the battle against deadly and disabling human diseases."

Is this really what the Senate or the American people want, Mr. President? To lose ground in the battle against deadly and disabling human diseases? I don't believe so.

More than 120 scientific and medical organizations have expressed opposition to the Lott-Bond bill or concerns about prohibition on legitimate cloning research as the result of ill-conceived or over-broad legislation.

So you have this immense array of scientific and medical societies and patient groups opposing S. 1601 and urging us to use caution and not to rush ahead without adequate consideration. Our friends who are supporting this bill say that it won't impede necessary research. If this true, where is their support from people who know.

I ask them to cite even a handful of mainstream scientific or medical organizations supporting rushing their legislation through without committee hearings, adequate definitions, or even a semblance of careful consideration. They can't do it. They can't do it, because the scientific and medical and patients' communities know that what they are doing is wrong.

As objectionable as the substance of this bill is the procedure by which it is being considered. To grant cloture to this bill tomorrow would be a travesty of the Senate's role as a deliberative body.

This is one of the most important scientific and ethical issues of the 21st century.

It was introduced on Tuesday of last week.

It was put on the calendar on Wednesday.

The Majority Leader tried to bring it to the floor on Thursday and filed an immediate cloture petition when he was unsuccessful.

The Senate was not in session Friday—and few of our colleagues are present today.

This legislation has not received one day of committee hearings.

It has not received one minute of committee discussion and markup.

The telephones in my office are ringing off the hook from scientists and physicians and patients from all over the country who are deeply concerned about the impact of this legislation. But they have had no opportunity to have their voices heard.

Mr. President, this is an important issue. It warrants Senate consideration. But it does not warrant consideration under this accelerated and indefensible procedure.

The authors of this legislation know that it cannot stand up to public scrutiny. That is the reason for their extraordinary attempt to rush this legislation through.

The Lott-Bond bill does not just ban cloning of human beings, it bans vital medical research related to cloning—research which has the potential to find new cures for cancer, diabetes, birth defects and genetic diseases of all kinds, blindness, Parkinson's disease, Alzheimer's disease, paralysis due to spinal cord injury, arthritis, liver disease, life-threatening burns, and many other illnesses and injuries.

Here is what the bill says—Page 2, line 13, paragraph 301 is entitled, "Prohibition on cloning." It is the heart of the bill. It states, "It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, to use human somatic cell nuclear transfer technology." That is the end of the statement.

It does not just ban the technology for use in human cloning. It bans it for any purpose at all.

That means scientists can't use the technology to try to grow cells to aid men and women dying of leukemia. They can't use it to grow new eye tissue to help those going blind from certain types of cell degeneration. They can't use it to grow new pancreas cells to cure diabetes. They can't use it to regenerate brain tissue to help those with Parkinson's disease or Alzheimer's disease. They can't use it to regrow spinal cord tissue to cure those who have been paralyzed in accidents or by war wounds.

Congress should ban the production of human beings by cloning. But we should not slam on the brakes and stop scientific research that has so much potential to bring help and hope to millions of citizens. As J. Benjamin Younger, Executive Director of the American Society for Reproductive Medicine, has 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.

Let us work together. Let us stop this know-nothing and unnecessarily destructive bill. Let us vote against cloture tomorrow and send this bill to Committee where it can receive the careful consideration it deserves. Together, we can develop legislation that will ban the cloning of human beings, without banning needed medical research that can bring the blessings of good health to so many millions of our fellow citizens.

BOSTON'S SUCCESS FIGHTING JUVENILE CRIME

Mr. KENNEDY. Mr. President, I recently received an impressive letter from Boston Police Commissioner Paul Evans on Boston's current successful experience in reducing crime in the city, especially juvenile crime. Firearms homicides have plummeted, and the overall crime rate has dropped significantly.

As Commissioner Evans states, "The keys to our effort in Boston have been

prevention, intervention and enforcement." The city's comprehensive approach includes not only law enforcement agencies, but the entire criminal justice system and community and social service agencies as well. As more and more cities become aware of this successful, anti-crime strategy, Boston is becoming a model for the nation on this vital issue.

His letter goes on to say, "Our strategy relies on focused intervention, with smarter, tougher enforcement targeted at the very small group of hard-core offenders. We work closely with state and federal agencies to disrupt the flow of illegal firearms by mounting coordinated investigations and prosecutions of gun traffickers."

As Commissioner Evans emphasizes, the progress in Boston was made "without measures such as housing juvenile detainees and convicts in adult jails and prisons. The focus of policy and dollars should be intervention and prevention at the front end, and not incarceration in adult facilities at the back end."

As the Senate prepares to take up legislation to combat juvenile crime, I urge my colleagues to heed the words of Commissioner Evans, and I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOSTON POLICE DEPARTMENT,
January 30, 1998.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: As the Senate prepares to debate the juvenile crime bill, I agree with your suggestion that it would be helpful to look again at the collaborative work in Boston, and the progress we have made over the past 18-24 months. I offer the following.

The keys to our effort in Boston have been prevention, intervention and enforcement conducted with broad collaboration across law enforcement, criminal justice, community and social service agencies. Our strategy relies on focused intervention, with smarter, tougher enforcement targeted at the very small group of hard-core offenders. We work closely with state and federal agencies to disrupt the flow of illegal firearms by mounting coordinated investigations and prosecutions of gun traffickers.

Firearm homicides among people aged 24 years and younger are down over 70 percent since we instituted the innovative "Cease-Fire" program in 1995. We have lost one juvenile to a firearm homicide since July, 1995. Overall homicides are at their lowest level in 30 years, with a 30 percent decrease in 1997 as compared with 1996.

It also noteworthy that we have made these strides without measures such as housing juvenile detainees and convicts in adult jails and prisons. The focus of policy and dollars should be intervention and prevention at the front end, and not incarceration in adult facilities at the back end.

As the Senate takes up the complex question of effective juvenile crime control policy, I would strongly recommend federal spending that requires collaboration, that requires communities to support a balance of prevention along with enforcement, and the directs these funds in the most crime-impacted neighborhoods. We cannot be credible