in the form of a third judge. I hope the Senate will support this measure and protect the interests of justice in the State of Idaho.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mrs. BOXER, Mr. MILLER, Mr. CORZINE, Mr. DURBIN, and Mrs. CLINTON):

S. 1758. A bill to prohibit human cloning while preserving important areas of medical research, including stem cell research; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today Senators KENNEDY, BOXER, MILLER, CORZINE, DURBIN, CLINTON, and I are introducing legislation to make the cloning of a human being a crime. Unlike other bills, our bill would not criminalize cloning that could provide treatments for diseases, known as therapeutic cloning.

On November 25, scientists at Advanced Cell Technology, a Massachusetts biotechnology firm, announced that they had created the first human embryos ever produced by cloning. I believe that this announcement raises serious concerns and we are proposing a bill to address this development.

The bill we introduce today would: 1. permanently ban human reproductive cloning, the cloning of a human being; and 2. allow therapeutic cloning, that is, allow the use of somatic cell nuclear transfer or other cloning technologies to create stem cells for treating diseases.

I support a ban on the cloning of human beings because I believe it is scientifically unsafe, morally unacceptable, and ethically flawed.

Our bill would allow cloning for therapeutic or treatment purposes. It would not allow cloning for reproductive purposes, for creating a human being. Specifically, it prohibits the implantation of the product of nuclear transplantation into a uterus. Nuclear transplantation is also known as somatic cell nuclear transfer.

There is broad agreement in the public, in the Congress, in the scientific community, in the medical community, and in the religious community that the cloning of a human being should be prohibited. This bill does just that.

The view that we should not clone human beings is held by many groups and authorities, including the National Bioethics Advisory Commission, NBAC, which concluded that it is unacceptable for anyone in the public or private sector to create a child using somatic cell nuclear transfer technology. The Commission said,

> 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 difference between our bill and several others including H.R. 2505, the bill passed by the House of Representatives is whether the bills protect valuable medical research that some day could provide cures for many dreaded diseases, diseases like cancer, diabetes, cystic fibrosis, and heart disease; and conditions like spinal cord injury, liver damage, arthritis, and burns. This research may some day develop replacement cells and tissues to restore bodily function and treat diseases. Therapeutic cloning is particularly promising because the rejection of implanted tissues is less likely since the tissues would exactly match those of the person who donated the somatic cell nucleus.

To criminally prohibit this kind of research would be a big setback for science. Here's what some of the experts say about the promise of therapeutic cloning: The Association of American Medical Colleges:

> Therapeutic cloning technology could provide an invaluable approach to studying how cells become specialized, which in turn could provide new understanding of the mechanisms that lead to the development of the abnormal cells responsible for cancers and certain birth defects. Improved understanding of cell specialization may also provide answers to how cells age or are regulated—leading to new insights into the treatment of cure of Alzheimer's and Parkinson's diseases, or other incapacitating degenerative diseases of the brain and spinal cord. The technology might also help us understand how to activate certain genes to permit the creation of customized cells for transplantation or grafting. Such cells would be genetically identical to the cells of the donor and could therefore be transplanted into that donor without fear of immune rejection, the major biological barrier to organ and tissue transplantation at this time.

The Society for Women's Health Research wrote me on November 28:

> Barring all therapeutic cloning would more likely drive research underground and guarantee that only the most unscrupulous would advance these technologies.

The National Health Council said:

> Making reproductive human cloning unlawful must be done in a way that does not deprive those suffering from debilitating chronic diseases, potential relief and possible cures.

The Alliance for Aging Research wrote on November 28,

> Scientists who utilized therapeutic cloning techniques in the conduct of important scientific research would be labeled as criminals. The consequence would be that important research, research intended to save lives and reduce suffering of tens of millions Americans, would be stopped in its tracks.

The American College of Obstetricians and Gynecologists wrote on November 1, 2001:

> Therapeutic cloning may hold the key for repairing or creating new tissues or organs that could alleviate myriad medical conditions: diabetes, heart disease, spinal cord injury and Parkinson's, to name just a few. This technology is key to the ability to create ''customized tissues'' using a patient's own DNA to avoid rejection problems, and at this time, appears promising.

Other bills would make it a crime to clone cells that are used for therapeutic purposes that some day will save lives and suffering. I cannot support that approach, to criminalize legitimate medical research that could some day treat diseases and save human lives. That would be very shortsighted.

In summary, I believe that the cloning of human beings is wrong and should be outlawed. I believe that therapeutic cloning holds great medical promise and should not be prohibited. This bill will make it a crime to create human beings, but protect important scientific research that can save human lives and relieve human suffering.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered printed in the RECORD.

SUMMARY OF THE HUMAN CLONING PROHIBITION ACT OF 2001

Findings: Cites findings by the National Bioethics Advisory Commission and other respected bodies, which have recommended that Congress enact legislation prohibiting anyone from conducting or attempting human cloning but not unduly interfering with important areas of research, such as somatic cell nuclear transfer or nuclear transplantation.

Prohibitions: Makes it unlawful for any person: To conduct or attempt to conduct human cloning; to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning; or to use federal funds for these activities.

Definitions: ''Human cloning'' is asexual reproduction by implanting or attempting to implant the product of nuclear transplantation into a uterus.

''Nuclear transplantation'' is transferring the nucleus of a human somatic (body) cell into an oocyte (egg) from which the nucleus or all chromosomes have been or will be removed or rendered inert.

Penalties: Makes violators liable for a criminal fine and/or up to 10 years in prison as well as a civil penalty of $1,000,000 or three times the gross profits resulting from the violation, whichever is greater.

Protection of Medical Research: Clarifies that the bill does not restrict therapeutic cloning, stem cell research or other forms of biomedical research such as gene therapy.

Ethics Requirements: Applies to nuclear transplantation research the ethics requirements currently used by the National Institutes of Health. These include informed consent, an ethics board review, and protections for the safety and privacy of research participants. Imposes a $250,000 civil penalty for violation of the ethics requirements.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2214. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table.

SA 2215. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2216. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2217. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2218. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2219. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2220. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2221. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2222. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2223. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2224. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2225. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2226. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2227. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2228. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2229. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2230. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2231. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2232. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2233. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2234. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2235. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2236. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2237. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2238. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2239. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2214. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—ELECTRIC POWER INDUSTRY TAX MODERNIZATION

SEC. ____01. TAX-EXEMPT BOND FINANCING OF CERTAIN ELECTRIC FACILITIES.

(a) RULES APPLICABLE TO ELECTRIC OUTPUT FACILITIES.—Subpart A of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to tax exemption requirements for State and local bonds) is amended by adding after section 141 the following new section:

"SEC. 141A. ELECTRIC OUTPUT FACILITIES.

"(a) ELECTION TO TERMINATE TAX-EXEMPT BOND FINANCING FOR CERTAIN ELECTRIC OUTPUT FACILITIES.—

"(1) IN GENERAL.—A governmental unit may make an irrevocable election under this paragraph to terminate the issuance of certain obligations described in section 103(a) for electric output facilities. If the governmental unit makes such election, then—

"(A) except as provided in paragraph (2), on or after the date of such election the governmental unit may not issue with respect to any electric output facility any bond the interest on which is excluded from gross income under section 103, and

"(B) notwithstanding paragraph (1) or (2) of section 141(a) or paragraph (4) or (5) of section 141(b), no bond—

"(i) which was issued by such unit with respect to an electric output facility before the date of enactment of this subsection, the interest on which was exempt from tax on such date,

"(ii) which is an eligible refunding bond that directly or indirectly refunds a bond issued prior to the date of enactment of this section, or

"(iii) which is described in paragraph (2)(D), (E), or (F),

shall be treated as a private activity bond.

"(2) EXCEPTIONS.—If an election is made under paragraph (1), paragraph (1)(A) does not apply to any of the following bonds:

"(A) Any qualified bond (as defined in section 141(e)).

"(B) Any eligible refunding bond (as defined in subsection (d)(6)).

"(C) Any bond issued to finance a qualifying transmission facility or a qualifying distribution facility owned by the governmental unit.

"(D) Any bond issued to finance equipment or facilities necessary to meet Federal or State environmental requirements applicable to an existing generation facility owned by the governmental unit.

"(E) Any bond issued to finance repair of any existing generation facility owned by the governmental unit. Repairs of facilities may not increase the generation capacity of the facility by more than 3 percent above the greater of its nameplate or rated capacity as of the date of enactment of this section.

"(F) Any bond issued to acquire or construct—

"(i) a qualified facility (as defined in section 45(c)(3)) if such facility is owned by the governmental unit and is placed in service during a period in which a qualified facility may be placed in service under such section, or

"(ii) any energy property (as defined in section 48(a)(3)) that is owned by the governmental unit.

This subparagraph shall not apply to any facility or property that is constructed, acquired or financed for the principal purpose of providing the facility (or the output thereof) to nongovernmental persons.

"(3) FORM AND EFFECT OF ELECTION.—

"(A) IN GENERAL.—An election under paragraph (1) shall be made in such a manner as the Secretary prescribes and shall be binding on any successor in interest to, or any related party with respect to, the electing governmental unit. For purposes of this paragraph, a governmental unit shall be treated as related to another governmental unit if it is a member of the same controlled group.

"(B) TREATMENT OF ELECTING GOVERNMENTAL UNIT.—A governmental unit which makes an election under paragraph (1) shall be treated for purposes of section 141 as a person which is not a governmental unit and which is engaged in a trade or business, with respect to its purchase of electricity generated by an electric output facility placed in service after such election, if such purchase is under a contract executed after such election.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) EXISTING GENERATION FACILITY.—The term 'existing generation facility' means an electric generation facility owned by the governmental unit on the date of enactment of this subsection and either in service on such date or the construction of which commenced prior to June 1, 2000.

"(B) QUALIFYING DISTRIBUTION FACILITY.—The term 'qualifying distribution facility' means a distribution facility over which open access distribution services described in subsection (b)(2)(C) are available.

"(C) QUALIFYING TRANSMISSION FACILITY.—The term 'qualifying transmission facility' means a local transmission facility (as described in subsection (c)(3)(A)) over which open access transmission services described in subparagraph (A) or (B) of subsection (b)(2) are available.

"(b) PERMITTED OPEN ACCESS ACTIVITIES AND SALES TRANSACTIONS NOT A PRIVATE BUSINESS USE FOR BONDS THAT REMAIN SUBJECT TO PRIVATE USE RULES.—

"(1) GENERAL RULE.—For purposes of this section and section 141, the term 'private business use' shall not include a permitted open access activity or a permitted sales transaction.

"(2) PERMITTED OPEN ACCESS ACTIVITIES.—For purposes of this section, the term 'permitted open access activity' means any of