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[06/07/1997 - 06/10/1997]

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. [partial] (1 page)	06/07/1997	P6/b(6)
002. email	Todd Stern to Elena Kagan [Re: staff position] (1 page)	06/09/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
 Automated Records Management System [Email]
 WHO ([Kagan])
 OA/Box Number: 500000

FOLDER TITLE:

[06/07/1997-06/10/1997]

2009-1006-F
vz102

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

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**PRESIDENT WILLIAM J. CLINTON
REMARKS FOR CLONING EVENT
THE ROSE GARDEN
JUNE 9, 1997**

Acknowledgments: Vice President Gore; Secretary Shalala; Dr. Harold Varmus, Dir., NIH; Dr. Jack Gibbons, the President's Advisor on Science and Technology; President's Committee of Advisors of Science and Technology.

I want to express my deep gratitude to the Dr. Shapiro and the National Bioethics Advisory Committee for preparing this report. As Dr. Shapiro mentioned, the time was short, the topic was sensitive, and the ground to be covered was wide. I thank each of you for your commitment and your courage to break new ground in public policy making.

As the remarkable breakthrough in cloning we are here to address makes so clear, we are living in a breathtaking era of scientific discovery. More and more, America's future -- and the world's future -- depend on science and technology. And more and more, the scientific community will influence the course of that future, and the lives our children will lead in the 21st century. As I said in my commencement address at Morgan State University last month, our scientific explorations must be guided by our commitment to human values, the good of society, and our basic sense of right from wrong.

The possibility of creating a child through these new techniques mandates that we proceed with caution, and with conscience. That is why I acted immediately to ban the use of any federal funds for the cloning of human beings, and I urged the private sector to do the right thing and observe this ban voluntarily. And that is why I asked the National Bioethics Advisory Commission to prepare this report.

For three months, you have explored the scientific, moral and spiritual dimensions of human cloning. You have talked to leading scientists and religious leaders; philosophers and concerned families; patient advocates and the general public. And you have reached the following conclusion: cloning a human being is unacceptably dangerous and morally unacceptable, and we must act to prevent anyone -- for any reason -- from doing so.

I agree with the Commission's conclusions, and I accept your recommendation. Today, I will send legislation to Congress that prohibits the cloning of human beings for the next 5 years, and protects our fundamental human values. I am confident that Congress will act soon to pass this legislation, but until that time, the moratorium I declared in March will remain in effect. Once again, I call upon the private sector to refrain from using these techniques to attempt to clone a human being. There is still too much that we do not know -- and too much that we do not agree on -- to take the risk of creating innocent children in this untested way.

I want to make clear that there is nothing inherently immoral or wrong with the new cloning techniques. In fact, these techniques hold out the promise of revolutionary new medical treatments and life-saving cures; of better crops and stronger livestock. Cloning human tissues and cells is already helping to improve the lives of millions of people, and this legislation will not prohibit the use of the new techniques to do it. And it will not ban the cloning of animals for agricultural or veterinary purposes.

What it will do is give us time to continue the national dialogue we began three months ago. It will give the scientific community time to investigate the viability and the safety of these new techniques. It will give us time to reaffirm our most cherished beliefs about the miracle of human life, and the God-given individuality that each person possesses. Or, it will give us time to broaden those beliefs to include a new mystery, if to do so harms none and benefits all.

To make sure that all of our voices are heard as we explore the possibility of human cloning, the legislation specifically requires the National Bioethics Advisory Commission to continue to study the issue and report back to Congress after four and a half years. At that time, we will decide whether the ban will continue, or whether we will enter a new chapter of human life.

We are still a long way from understanding all of the implications of this remarkable breakthrough. But it is our obligation and our honor to confront the issues it raises, as a people. I am confident that the step we are taking today will continue that process. Once again, I thank the National Bioethics Advisory Commission for the work you have done and will continue to do in the coming years.

Thank you and God bless you.

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act may be cited as the "Cloning Prohibition Act of 1997".

SECTION 2. FINDINGS.

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

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

(1) NBAC has found that:

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

for regeneration and repair of human tissues.

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

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

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

(4) NBAC recommended a continuation of the current moratorium on the use of Federal funds to support any attempt to create a child by somatic cell nuclear transfer, and an immediate request to all firms, clinicians, investigators, and professional societies to comply voluntarily with the intent of the Federal moratorium.

(5) NBAC further recommended that Federal legislation

be enacted to prohibit anyone from attempting, whether in a research or clinical setting, to create a child through somatic cell nuclear transfer cloning.

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

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

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

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

animals.

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

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

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

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

SECTION 4. DEFINITIONS.

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

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

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

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

SECTION 6. PROTECTED BIOMEDICAL RESEARCH.—Nothing in this Act

shall restrict other areas of biomedical and agricultural research, including important and promising work that involves:

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

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

SECTION 7. PENALTIES.--

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

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

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

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

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

SECTION 9. NATIONAL BIOETHICS ADVISORY COMMISSION REPORT.--No

later than four and one-half years after the enactment of this Act, the National Bioethics Advisory Commission shall report to the President on (1) the state of the science of somatic cell nuclear transfer; (2) the ethical and social issues associated with the potential use of this technology in humans; and (3) the advisability of continuing the prohibition established by this Act. The Commission is authorized to continue for five years from the date of enactment for this purpose and for other purposes as established in Executive Order 12975 and subsequent amendments to this order.

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

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.

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(1) NBAC has found that:

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

for regeneration and repair of human tissues.

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

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

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

(4) NBAC recommended a continuation of the current moratorium on the use of Federal funds to support any attempt to create a child by somatic cell nuclear transfer, and an immediate request to all firms, clinicians, investigators, and professional societies to comply voluntarily with the intent of the Federal moratorium.

(5) NBAC further recommended that Federal legislation

be enacted to prohibit anyone from attempting, whether in a research or clinical setting, to create a child through somatic cell nuclear transfer cloning.

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

(7) NBAC specified that within several years an oversight body should review and report on the status of somatic cell nuclear transfer technology and the ethical and social issues associated with its use.

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

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

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

SECTION 8. EFFECTIVE DATE.—This Act shall take effect on the date of enactment.

SECTION 9. NATIONAL BIOETHICS ADVISORY COMMISSION REPORT.—No later than four and one-half years after the enactment of this Act, the National Bioethics Advisory Commission shall report to the President on (1) the state of the science of somatic

cell nuclear transfer; (2) the ethical and social issues associated with the potential use of this technology in humans; and (3) the advisability of continuing the prohibition established by this Act. The Commission is authorized to continue for five years from the date of enactment for this purpose and for other purposes as established in Executive Order 12975 and subsequent amendments to this order.

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

June 8, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Jack Gibbons
Assistant to the President for Science and Technology

Elena Kagan
Deputy Assistant to the President for Domestic Policy

SUBJECT: Cloning Policy Decisions

This memo summarizes (1) the final version of the National Bioethics Advisory Commission (NBAC) cloning report completed yesterday, and (2) the cloning legislation we have prepared for you to submit to Congress on Monday. The memo address two issues about the legislation we would like you to focus on: (1) whether to prohibit the production of embryos (as well as human beings) through cloning, and (2) whether to sunset the prohibition on cloning after 5 years.

NBAC's Findings and Recommendations

In its final report NBAC states that at this time it is morally unacceptable for anyone to attempt to create a child using the technology that created Dolly the sheep (so-called somatic cell nuclear transfer technology). NBAC also concludes that the cloning of DNA, cells, and tissues, and the cloning of animals, are scientifically important and not ethically problematic. NBAC chose not to address at all the cloning of embryos for research purposes. NBAC calls for:

- Carefully-worded legislation that prohibits somatic cell nuclear transfer to create a child (without impeding important cloning research on DNA, cells, and animals), sunsets in 3-5 years, and provides for further review by an advisory body prior to the sunset date;
- Continuing your moratorium on the use of federal funds for cloning human beings while the proposed legislation is pending;
- Calling on all scientists and clinicians to adhere to the voluntary moratorium; and
- Working with other countries to enforce common aspects of cloning restrictions.

Proposed Legislation

The legislation you will announce tomorrow, as currently written:

- Prohibits the use of somatic cell nuclear transfer with the intent of introducing the product into a woman's womb or in any other way creating a human being;
- Gives the Attorney General authority to seek injunctive relief, impose civil fines up to

- \$250,000 or twice the profit from a violation of the Act (whichever is greater), and seize any and all property used in violating the Act (including entire laboratories);
- Sunsets the prohibition on cloning 5 years from the date of enactment; and
- Directs the National Bioethics Advisory Commission to report to you prior to the sunset date on the advisability of continuing the prohibition.

Key Legislative Issues

1. Embryo Research

NBAC's proposed legislation -- and, as currently drafted, your bill -- would not ban the creation of cloned embryos for research purposes. NBAC simply did not evaluate the ethics or scientific benefits of this activity; it focused exclusively on the use of cloning techniques to create an embryo that would then be implanted in a woman's uterus and brought to term. NBAC reasoned that other entities (including a 1994 NIH panel) already have discussed extensively the creation of embryos for research purposes, and the use of cloning technology in this context raises no distinct ethical issues. By contrast, the use of somatic cell nuclear transfer technology to create a child raises a host of new and different ethical issues relating to safety, individuality, and family

You took action In 1994 to restrict embryo research by banning the use of NIH funds to create embryos for research purposes (the NIH panel had recommended permitting the funding of research on embryos in very limited circumstances). You also signed a spending bill that included a prohibition on the use of HHS funds for embryo research. But your budget submissions for FY97 and FY98 stated in a footnote that the Administration did not support addressing this issue in legislation. Nor have you ever indicated support for extending the current restriction to privately funded embryo research.

The right-to-life community already has criticized NBAC for not recommending a ban on creating cloned embryos. But there are good reasons for not going so far. There is no moral rationale for treating embryos created through cloning differently from embryos developed through other means (e.g. in vitro fertilization) when embryos are used solely for research. Prohibiting the creation of embryos for research using private funds could halt important research on infertility and possibly other medical conditions and would provoke strong opposition from the scientific and fertility communities. In short, it is a controversial step that merits further consideration. We therefore recommend that you limit the scope of the legislation you submit to Congress on Monday to the issue the Commission addressed. If asked about your position on embryo research, you could note that it is an important but separate question and reiterate your position that no federal funds should be used to create embryos for research purposes.

2. Sunset Provision

NBAC recommends strongly that any legislative prohibition on cloning include a sunset clause to ensure that Congress review the issue after a specified period of time.

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Hex-Dump Conversion

Whether a sunset provision makes sense depends in part on why a cloning ban is appropriate. For those who believe cloning is unethical primarily because of safety concerns, a sunset is necessary because time may mitigate those concerns. But for those who believe that cloning is inherently morally wrong, a sunset provision may seem wrong because time cannot lessen the problem. If you propose a sunset provision, you will subject yourself to criticism on this score. It is important to understand, however, that some who share your view that cloning is inherently morally wrong nonetheless favor a sunset provision. They reason that: (1) a sunset provision provides a strong incentive for Congress and the Administration to renew the national debate on cloning within several years, ensuring continued attention to the ethical questions; (2) there has been little time to fully consider the moral issues, and it is possible that convictions may evolve; and (3) there is a high probability that Congress will simply get the legislative language wrong the first time around, given our limited understanding of the science, the difficulty of defining terms, and the vagaries of the legislative process.

As an alternative to proposing a sunset provision, you could propose legislation that provides for review by NBAC in 4 ½ years but does not sunset the ban. This approach would shift the burden of proof to those who want to lift the ban, since Congress would have to act affirmatively to effect change. Jack Gibbons, Harold Varmus, and the scientific and biotechnology communities oppose this modification to your draft legislation. The Vice President prefers this modified approach.

TO THE CONGRESS OF THE UNITED STATES:

I am pleased to transmit today for immediate consideration and prompt enactment the "Cloning Prohibition Act of 1997." This legislative proposal would prohibit any attempt to create a human being using somatic cell nuclear transfer technology, the method that was used to create Dolly the sheep. This proposal will also provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings.

Following the February report that a sheep had been successfully cloned using a new technique, I requested my National Bioethics Advisory Commission to examine the ethical and legal implications of applying the same cloning technology to human beings. The Commission concluded that at this time "it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using somatic cell nuclear transfer cloning" and recommended that Federal legislation be enacted to prohibit such activities. I agree with the Commission's conclusion and am transmitting this legislative proposal to implement its recommendation.

Various forms of cloning technology have been used for decades resulting in important biomedical and agricultural advances. Genes, cells, tissues, and even whole plants and animals have been cloned to develop new therapies for treating such disorders as cancer, diabetes, and cystic fibrosis. Cloning technology also holds promise for producing replacement skin, cartilage, or bone tissue for burn or accident victims, and nerve tissue to treat spinal cord injury. Therefore, nothing in the "Cloning Prohibition Act of 1997" restricts activities in other areas of biomedical and agricultural research that involve: (1) the use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or (2) the use of somatic cell nuclear transfer techniques to create animals.

The Commission recommended that such legislation provide for further review of the state of somatic cell nuclear transfer technology and the ethical and social issues attendant to its potential use to create human beings. My legislative proposal would implement this recommendation and assign responsibility for the review, to be completed in the fifth year after passage of the legislation, to the National Bioethics Advisory Commission.

I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON

THE WHITE HOUSE
June 9, 1997

"CLONING PROHIBITION ACT OF 1997"

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FACT SHEET

The President today transmitted to the Congress the "Cloning Prohibition Act of 1997." This legislative proposal would implement the key recommendation of the National Bioethics Advisory Commission for legislation to prohibit any attempt to create a human being using somatic cell nuclear transfer technology.

The National Bioethics Advisory Commission (NBAC) Report

President Clinton today accepted the NBAC's report on the possible cloning of human beings. In February, following reports of the successful cloning of a sheep, the President asked the NBAC to review the profound ethical issues raised by the possible cloning of human beings. Today, Dr. Harold Shapiro, Chair of the Commission and President of Princeton University, formally presented the report to the President.

The Commission found unanimously that it is morally unacceptable for anyone to attempt to create a child with the technology used to create Dolly the sheep. The NBAC reported that attempting to create a child using so-called somatic cell nuclear transfer cloning would pose great risks to the child and raise other ethical issues needing further discussion. The NBAC called for a moratorium on the use of the technique in humans.

The Commission also found that the new technology may have many agricultural and medical benefits, including the development of medicines, therapies for diseases such as cancer, cystic fibrosis, and diabetes, and prospects for repair and regeneration of human tissues. The NBAC concluded that the cloning of DNA, cells, tissues, and non-human animals -- using somatic cell nuclear transfer and other cloning techniques -- is not ethically problematic when conducted in compliance with existing regulations and guidelines.

Cloning Prohibition Act of 1997

Acting on the Commission's key recommendation, President Clinton announced legislation banning the use of the new technology to clone human beings. Consistent with the NBAC's recommendation, the President's legislative proposal prohibits **[for five years?]** the use of somatic cell nuclear transfer to create a human being and directs the NBAC to report to the President in four and a half years on whether to continue the ban. The proposal is carefully worded to ensure that it will not interfere with beneficial biomedical and agricultural activities.

Further Actions By The President

As recommended by the NBAC, President Clinton today also:

- **Reaffirmed that no Federal funds will be used to clone human beings.** The President stated that the prohibition he put in place in March will remain in effect while his proposed legislation is pending.

- **Urged privately funded scientists and clinicians to adhere to the voluntary moratorium he called for in March.** The President asked these professionals to work through their societies and associations to ensure that all adhere to the current voluntary ban while his proposed legislation is pending.
- **Pledged to work with other countries to enforce the prohibition.** Several other countries, including Great Britain, Denmark, Germany, Australia, and Spain, have banned human cloning.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-JUN-1997 10:07:24.00

SUBJECT: directive on gun warnings

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

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

TO: Michelle Crisci (CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

FYI: A draft will be circulated early this afternoon for expedited review and comment. The first round of circulation will be ATF, WH Counsel, Treasury and DPC. A second round will include other administration and WH offices. Goal is to have complete sign off by tomorrow afternoon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 9-JUN-1997 14:32:16.00

SUBJECT: CORRECTION RE: OMB Draft Letter to House W&M on Immigration-Related Reconc

TO: Daniel C. Montoya (CN=Daniel C. Montoya/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Janet R. Forsgren (CN=Janet R. Forsgren/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Wendy A. Taylor (CN=Wendy A. Taylor/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Robert G. Damus (CN=Robert G. Damus/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Lisa M. Kountoupes (CN=Lisa M. Kountoupes/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Barry B. Anderson (CN=Barry B. Anderson/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Gordon P. Agress (CN=Gordon P. Agress/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Barry T. Clendenin (CN=Barry T. Clendenin/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Jack A. Smalligan (CN=Jack A. Smalligan/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Keith J. Fontenot (CN=Keith J. Fontenot/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Jennifer Ferguson (CN=Jennifer Ferguson/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

TO: Tracey E. Thornton (CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Barbara Chow (CN=Barbara Chow/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Nancy A. Min (CN=Nancy A. Min/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Joseph M. Wire (CN=Joseph M. Wire/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: James C. Murr (CN=James C. Murr/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Daniel J. Chenok (CN=Daniel J. Chenok/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Alice E. Shuffield (CN=Alice E. Shuffield/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Charles E. Kieffer (CN=Charles E. Kieffer/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Nicolette Highsmith (CN=Nicolette Highsmith/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Mark E. Miller (CN=Mark E. Miller/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: David J. Haun (CN=David J. Haun/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Katie Hong (CN=Katie Hong/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Barry White (CN=Barry White/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TO: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: FOLEY_M (FOLEY_M @ A1 @ CD @ LNGTWY [UNKNOWN]) (WHO)
READ:UNKNOWN

TO: Jill M. Blickstein (CN=Jill M. Blickstein/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TEXT:

Correction: The draft OMB letter on potential immigration-related reconciliation amendments referenced in the e-mail below will be faxed to you shortly (see LRM IMS89). Comments on this LRM are due to Melinda Haskins (x 5-3923) by 3:30 p.m. today.

Sorry for the confusion.

----- Forwarded by Melinda D. Haskins/OMB/EOP on 06/09/97
02:25 PM -----

Melinda D. Haskins 06/09/97 02:15:20 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: URGENT: OMB Draft Letter to House W&M on Immigration-Related
Reconciliation Language

Attached is an OMB draft letter to the House Ways and Means Committee (or possibly the House Leadership) expressing the Administration's views on potential amendments to the budget reconciliation bill related to immigrants' access to public benefits. The Ways and Means Committee may consider these proposals on Tuesday, June 10th. Comments are due to me by 3:30 p.m. today (6/9/97).

If we do not hear from you by today's deadline, we will assume that you have no objections to the attached report.

Message Sent

To: _____
Jill M. Blickstein/OMB/EOP
Nancy A. Min/OMB/EOP
FOLEY_M @ A1 @ CD @ LNGTWY
Barbara Chow/WHO/EOP
Peter G. Jacoby/WHO/EOP
Tracey E. Thornton/WHO/EOP
Janet Murguia/WHO/EOP
Susan A. Brophy/WHO/EOP
Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Cynthia A. Rice/OPD/EOP
Diana Fortuna/OPD/EOP
Jose Cerda III/OPD/EOP
Emily Bromberg/WHO/EOP
Jennifer Ferguson/OMB/EOP
Barry White/OMB/EOP
Keith J. Fontenot/OMB/EOP
Katie Hong/OMB/EOP
Jack A. Smalligan/OMB/EOP
David J. Haun/OMB/EOP
Barry T. Clendenin/OMB/EOP
Mark E. Miller/OMB/EOP
Gordon P. Agress/OMB/EOP
Nicolette Highsmith/OMB/EOP
Barry B. Anderson/OMB/EOP
Charles E. Kieffer/OMB/EOP
Lisa M. Kountoupes/OMB/EOP
Alice E. Shuffield/OMB/EOP
Robert G. Damus/OMB/EOP
Daniel J. Chenok/OMB/EOP
Wendy A. Taylor/OMB/EOP
James C. Murr/OMB/EOP
Janet R. Forsgren/OMB/EOP

Emil E. Parker/OPD/EOP
Daniel C. Montoya/OPD/EOP
Joseph M. Wire/OMB/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUN-1997 18:19:12.00

SUBJECT: Executive Order

TO: Tracey E. Thornton (CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Ellen M. Lovell (CN=Ellen M. Lovell/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Susan M. Liss (CN=Susan M. Liss/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Doris O. Matsui (CN=Doris O. Matsui/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Joseph P. Lockhart (CN=Joseph P. Lockhart/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Michael Waldman (CN=Michael Waldman/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Robert B. Johnson (CN=Robert B. Johnson/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Lynn G. Cutler (CN=Lynn G. Cutler/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Minyon Moore (CN=Minyon Moore/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Robert N. Weiner (CN=Robert N. Weiner/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Thurgood Marshall Jr. (CN=Thurgood Marshall Jr./O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Beverly J. Barnes (CN=Beverly J. Barnes/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Carolyn Curiel (CN=Carolyn Curiel/OU=WHO/O=EOP @ EOP [WHO])

DRAFT -- DRAFT -- DRAFT -- DRAFT

Executive Order No. _____ of June __, 1997

Faced with the advent of a new millenium, I believe that as a nation we must reflect on the course we should chart toward answering the quintessentially American question: how to bring the Many together as One. In doing so, we must embrace and celebrate our diversity while establishing a new consensus of what it means to be and become One America. As important, we must take action to improve the ability of all Americans to realize their full potential so that we can, as one country equal and indivisible, move forward into the 21st Century.

Therefore, by the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in order to establish a President's Advisory Board on Race, it is hereby ordered as follows:

Section 1: Establishment. (a) There is established the President's Advisory Board on Race. The Advisory Board shall comprise 7 members to be appointed by the President. Members shall be chosen from the private sector and shall each have substantial experience and expertise in the areas to be considered by the Advisory Board. Members shall be representative of the diverse perspectives in the areas to be considered by the Advisory Board.

(b) The President shall designate a Chairperson [and a Vice-Chairperson] from among the members of the Advisory Board.

Sec. 2. Functions (a) The Advisory Board shall advise the President on matters involving race and racial reconciliation, including ways in which the President can:

(1) Promote a constructive national dialogue to confront and work through challenging issues that surround race;

(2) Increase the nation's understanding of our recent history of race relations and the course our nation is charting on the issue of race relations and racial diversity;

(3) Bridge racial divides by recruiting leaders in communities throughout the nation to develop and implement innovative approaches to calming racial tensions;

(4) Find, develop and implement solutions in areas in which race has a substantial impact, such as education, economic opportunity, housing, health care, and the administration of justice; and

(5) shall advise on such other matters which from time to time the President may request.

(b) In carrying out its functions, the Advisory Board shall coordinate with the President's

Initiative on Race.

Sec. 3. Administration. (a) To the extent permitted by law and subject to the availability of appropriations, the Department of Justice shall provide the financial and administrative support for the Advisory Board.

(b) The heads of executive agencies shall, to the extent permitted by law, provide to the Advisory Board such information as it may require for the purpose of carrying out its functions.

[c] The Chair [or Vice-Chair] may, from time to time, invite experts to submit information to the Advisory Board and may form subcommittees or working groups within the Committee to review specific matters.

(d) Members of the Advisory Board shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707).

Sec. 4. General. (a) Notwithstanding any other Executive Order, the functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, that are applicable to the Advisory Board shall be performed by the Attorney General, or his or her designee, in accordance with guidelines that have been issued by the Administrator of General Services.

(b) The Advisory Board shall terminate on [September 30, 1998] unless extended by the President prior to such date.

WILLIAM J. CLINTON

THE WHITE HOUSE
[date]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Patricia F. Lewis (CN=Patricia F. Lewis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUN-1997 18:03:47.00

SUBJECT: Q and a request for briefing memo

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

The President on Wednesday will be talking to the Trotter Group, an organization of African American columnists.

For the briefing memo, I'm looking for basic q's and a's on affirmative action, welfare reform, and federal sentencing guidelines on cocaine.

Christa suggested I make the request through you. (If any other race related issues come to mind, please add them to the list. The writers are supposed to stick to the speech and initiatives, but may raise other topics.)

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robin Leeds (CN=Robin Leeds/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUN-1997 11:36:26.00

SUBJECT: Title 9

Just checking on what came out of the policy discussion last Friday. Can one of you

TO: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

CC: Cheryl M. Carter (CN=Cheryl M. Carter/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Sondra L. Seba (CN=Sondra L. Seba/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Marjorie Tarmey (CN=Marjorie Tarmey/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Todd Stern to Elena Kagan [Re: staff position] (1 page)	06/09/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[06/07/1997-06/10/1997]

2009-1006-F
vz102

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUN-1997 16:15:11.00

SUBJECT:

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

Rahm is having a Juvi. Mtg @ 4:30 in his office

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-JUN-1997 18:28:37.00

SUBJECT: State of Cities

TO: WEINSTEIN_P (WEINSTEIN_P @ A1 @ CD @ LNGTWY [UNKNOWN]) (OPD)
READ:UNKNOWN

TO: Jonathan Prince (CN=Jonathan Prince/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TEXT:

re; Cuomo's draft outline for State of the Cities.

FYI. There is a lot of good stuff to expand on regarding city/suburbs interrelationships. The theme is that cities effect everyone, the whole region's economy is tied together. Several areas have notable governmental efforts going on in this arena: Portland, St. Louis, Miami. And there is a lot of good research going in this direction.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 9-JUN-1997 14:15:51.00

SUBJECT: URGENT: OMB Draft Letter to House W&M on Immigration-Related Reconciliatio

TO: Joseph M. Wire (CN=Joseph M. Wire/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: James C. Murr (CN=James C. Murr/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Daniel J. Chenok (CN=Daniel J. Chenok/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Alice E. Shuffield (CN=Alice E. Shuffield/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Charles E. Kieffer (CN=Charles E. Kieffer/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Nicolette Highsmith (CN=Nicolette Highsmith/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Mark E. Miller (CN=Mark E. Miller/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: David J. Haun (CN=David J. Haun/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Katie Hong (CN=Katie Hong/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Barry White (CN=Barry White/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

TO: Tracey E. Thornton (CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Barbara Chow (CN=Barbara Chow/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Nancy A. Min (CN=Nancy A. Min/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Daniel C. Montoya (CN=Daniel C. Montoya/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Janet R. Forsgren (CN=Janet R. Forsgren/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Wendy A. Taylor (CN=Wendy A. Taylor/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Robert G. Damus (CN=Robert G. Damus/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Lisa M. Kountoupes (CN=Lisa M. Kountoupes/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Barry B. Anderson (CN=Barry B. Anderson/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Gordon P. Agress (CN=Gordon P. Agress/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Barry T. Clendenin (CN=Barry T. Clendenin/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Jack A. Smalligan (CN=Jack A. Smalligan/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Keith J. Fontenot (CN=Keith J. Fontenot/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Jennifer Ferguson (CN=Jennifer Ferguson/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TO: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: FOLEY_M (FOLEY_M @ A1 @ CD @ LNGTWY [UNKNOWN]) (WHO)
READ:UNKNOWN

TO: Jill M. Blickstein (CN=Jill M. Blickstein/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TEXT:

Attached is an OMB draft letter to the House Ways and Means Committee (or possibly the House Leadership) expressing the Administration's views on potential amendments to the budget reconciliation bill related to

immigrants' access to public benefits. The Ways and Means Committee may consider these proposals on Tuesday, June 10th. Comments are due to me by 3:30 p.m. today (6/9/97).

If we do not hear from you by today's deadline, we will assume that you have no objections to the attached report.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUN-1997 16:32:34.00

SUBJECT: Sarah B's Question:

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Science Magazine is going to publish the gene discovery you all have discussed unless the White House wants to hold the announcement for a Presidential Event. They need an answer by today. Call her and let her know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUN-1997 17:10:14.00

SUBJECT:

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

Elizabeth has Q & A for your review 65573

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUN-1997 16:33:07.00

SUBJECT:

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

Rahm wants to start 4:30 mtg.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 9-JUN-1997 17:00:16.00

SUBJECT: LRM RJN84 - DOD report on HR 1072

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

TO: Robert W. Schroeder (CN=Robert W. Schroeder/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Ronald K. Peterson (CN=Ronald K. Peterson/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: James C. Murr (CN=James C. Murr/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TEXT:

H.R. 1072 would establish a commission to investigate the policies and procedures of the military justice system with respect to the investigation of reports of sexual misconduct, sexual harassment, and unlawful gender discrimination.

In its report, circulated on May 22, 1997 under LRM RJN 84, the DOD contends that the bill is unnecessary. The Uniform Code of Military Justice already provides a sophisticated statutory scheme, complete with sufficient safeguards to ensure that complaints of sexual misconduct, sexual harassment, and gender discrimination are thoroughly investigated and fairly resolved.

The Justice Department feels that the tone of the report is defensive but offers no objection from a legal standpoint. The EEOC and OPM had no comment on the DOD report, while the NSC concurred with Defense. OMB has no objection to the report, and this Office plans to clear it by cob Tuesday

Please advise if WH Counsel or OPD have any comments on the draft report by Tuesday, June 10, 1997.

Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 9-JUN-1997 15:29:40.00

SUBJECT: URGENT: OMB Letter on Senate Agriculture Committee's Mark Up of Food Stamp

TO: Janet R. Forsgren (CN=Janet R. Forsgren/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Robert G. Damus (CN=Robert G. Damus/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Lisa M. Kountoupes (CN=Lisa M. Kountoupes/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Barry B. Anderson (CN=Barry B. Anderson/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Gavin C. Kennedy (CN=Gavin C. Kennedy/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Jeffrey A. Farkas (CN=Jeffrey A. Farkas/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Keith J. Fontenot (CN=Keith J. Fontenot/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: FOLEY_M (FOLEY_M @ A1 @ CD @ LNGTWY [UNKNOWN]) (WHO)
READ:UNKNOWN

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Jill M. Blickstein (CN=Jill M. Blickstein/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: James C. Murr (CN=James C. Murr/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Alice E. Shuffield (CN=Alice E. Shuffield/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Charles E. Kieffer (CN=Charles E. Kieffer/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Carole Kitti (CN=Carole Kitti/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Wendy A. Taylor (CN=Wendy A. Taylor/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Matthew McKearn (CN=Matthew McKearn/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Barry White (CN=Barry White/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

TO: Barbara Chow (CN=Barbara Chow/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Kenneth S. Apfel (CN=Kenneth S. Apfel/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TEXT:

Shortly, you will receive a draft OMB letter to the Chairman of the Senate Agriculture Committee regarding the Committee's mark up of the Food Stamp budget reconciliation language (see LRM MDH88): The Committee is scheduled to mark up this language on Tuesday, June 10th. For this reason, comments are due to me by 4:30 today (6/9/97).

If we do not hear from you by today's deadline, we will assume that you have no comment.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUN-1997 17:18:25.00

SUBJECT: immigration

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

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

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Lynn G. Cutler (CN=Lynn G. Cutler/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Mickey Ibarra (CN=Mickey Ibarra/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Michelle Crisci (CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

As you know, Mayor Guiliani is holding a conference on immigration today and tomorrow in NYC. There are about a dozen electeds there(both dems and reps)--Mayors Rice, Helmke, Rendell, Riordan, Pinellas, and County folks-Molina, Yaroslovsky, Burke, Hightower and Randy Johnson. The rest of the conference is advocates and assorted others from NYC.

The goal of the conference is to have the electeds sign a statement of principles on immigration on Ellis Island tomorrow. The statement will include: a paragraph about the value of immigrants to the US; the need to speed naturalization; the need to restore all the cuts to immigration contained in the welfare law--with no distinction made in the document between the elderly and the disabled; and it will stress the importance of local statutes that forbid asking about immigration status when reporting a crime, seeking health care, or enrolling a child in school. As you know, Guiliani feels that both the immigration and welfare law pre-empts these local statutes--and this is a part of his lawsuit.

In his remarks today Guiliani said that its unfair to have to chose between the elderly and the disabled and he called for the restoration of all the immigration cuts.

I hope to get my hand on this document tonight. Call if you have quesitons.

Good News for American Education at Close of School Year
June 9, 1997

U.S. 4th Grade Students Are Internationally Competitive in Science and Math. President Clinton announced today the fourth-grade results of the Third International Math and Science Study (TIMSS), which show that U.S. students score above the international average in both science and math, compared with 25 other participating countries. The President welcomed the news, calling the results a good first step toward our national goal of being first in the world in math and science, and a clear indication that our students and schools can compete with those all over the world.

- In science, U.S. students' average score was 565 -- 41 points above the international average science score of 524. U.S. fourth graders were outperformed only by students in Korea, and, in turn, scored higher than students in 19 other countries.
- In math, U.S. students' average score was 545 -- 16 points above the international average of 529. Only seven countries -- Singapore, Korea, Japan, Hong Kong, Netherlands, the Czech Republic and Austria -- outperformed U.S. students, while U.S. students outperform those in 12 other countries.

President Clinton added that these results show that U.S. schools are improving. The mathematics results in particular show gains from a previous international assessment, which had indicated that U.S. students performed below the international average.

National Standards and Tests for 8th Grade Math Needed for Continued Progress. While U.S. 4th grade math and science achievement is strong, achievement in 8th grade is relatively weak, especially in math, based on TIMSS results released in November. However, we know that American 8th graders can attain the same high results, or better, if states and school districts make the changes that are necessary: raising expectations, adopting challenging curricula, improving teaching, and holding students and schools accountable for their performance.

The President's proposal for national standards and a national test in math is an essential tool in raising achievement. The test will help parents, teachers and school districts set high expectations and measure progress. It will help identify which schools need help. And it will help determine what works and what doesn't.

The voluntary national test in 8th grade math will be based on the existing, widely accepted National Assessment of Educational Progress (NAEP) test, and will also be linked to TIMSS, allowing students, parents and teachers to see how schools and students did compared with international benchmarks. The new test will help place a sharper focus on the critical late elementary, middle school and junior high school years--precisely the years when U.S. achievement appears to falter. It will also help schools and districts make sure that students have mastered the basics of math, including the essentials of algebra and geometry, by the end of grade 8, to give students the foundation to take tough math and science courses in high school to prepare for college and high-skills jobs.

Kentucky to Participate in The Voluntary National Tests in 4th Grade Reading And 8th Grade Math. The President also announced that Governor Paul Patton of Kentucky has asked that Kentucky be included in the voluntary national tests in 4th grade reading and 8th grade math when the tests are first given in the Spring of 1999. Governor Patton joins a growing list of educational leaders in California, Maryland, Massachusetts, Michigan, North Carolina and West Virginia in endorsing the tests.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUN-1997 16:15:34.00

SUBJECT:

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

Jose wants to know if you have reviewed the paper for the Juvi mtg.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:10-JUN-1997 18:50:48.00

SUBJECT: directive

TO: Jordan Tamagni (CN=Jordan Tamagni/OU=WHO/O=EOP @ EOP [UNKNOWN])
READ:UNKNOWN

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

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Michael Deich (CN=Michael Deich/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Michelle Crisci (CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

CC: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Karen A. Popp (CN=Karen A. Popp/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Phil-- here is the final copy of the directive. It has been cleared by DPC, OMB, WH Counsel, Treasury/ATF and main Justice. Justice OLC has a problem with bullet (3) on page 2 of the directive dealing with warning that handguns are a leading cause of juvenile violence and fatalities. Treasury was also concerned but signed off on the language as drafted.

OLC is debating whether they will officially oppose this line; we decided not to wait any longer to give this to you.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D11]MAIL419586060.116 to ASCII,
The following is a HEX DUMP:

FF575043D6040000010A0201000000002050000009C1600000002000001F3EBE53CBBEBEB677600D
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58CB967E5C2C5342693195119BFEFEFF03D05E65FA7631D9A123026A5156AA708F583B375D779F

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

SUBJECT: Enforcing the Youth Handgun Safety Act

A major problem in our nation today is the terrifying ease with which our young people gain illegal or unintended access to guns. Firearms are now responsible for 12 percent of fatalities among all American children and teenagers. Criminal use of firearms by young people is a national tragedy. Between 1984 and 1994, the number of juvenile offenders committing homicides by firearms nearly quadrupled. Moreover, firearms are the fourth leading cause of accidental deaths among children ages 5-14 and are now the primary method by which young people commit suicide. A recent study supported by the Department of Justice found that slightly more than half of all privately owned firearms were stored unlocked and approximately one-third of all handguns were stored both loaded and unlocked. We must do all we can to prevent both illegal and unintended access to guns by juveniles.

To address this issue, my Administration has consistently called for toughening our laws to help reduce youth gun violence. Specifically, we have fought for and gained passage of: (1) the Brady Act, to allow local law enforcement to conduct background checks before handguns are sold; (2) the Assault Weapons Ban, to keep deadly assault weapons off the streets; (3) the Gun-Free Schools Act, to establish a policy of “zero tolerance” for guns in our schools; and (4) the Youth Handgun Safety Act, to prohibit, in most circumstances, the transfer to or possession of a handgun by a juvenile.

More recently, we proposed comprehensive juvenile crime legislation that, among other things, would continue to crack down on youth gun violence by increasing penalties for transferring a firearm to juveniles, prohibiting violent juveniles from owning firearms as adults, and requiring federal firearms licensees (FFLs) to provide a child safety lock with every gun sold. I hope Congress will enact these important measures as soon as possible.

Until Congress acts, however, there is more we can do to keep guns out of the hands of our nation’s youth. Existing law already bans the transfer of handguns to minors and juvenile possession of handguns, except in specified circumstances, and grants the Treasury Department authority to prescribe rules and regulations to implement this provision. I direct you to take the authorized steps necessary to do everything in your power to enforce the provisions of the Youth Handgun Safety Act -- and specifically, to promptly publish in the Federal Register proposed regulations requiring that FFLs post signs on their premises and issue written notification with each handgun sold to non-licensees warning that:

- (1) federal law prohibits, except in certain limited circumstances, anyone under the age of 18 from knowingly possessing a handgun, or any adult from transferring a handgun to such a minor;

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- (2) violation of the prohibition of transferring a handgun to a minor is, under certain circumstances, punishable by up to 10 years in prison;
- (3) handguns are a leading contributor to juvenile violence and fatalities; and
- (4) safely storing and locking handguns away from children can help ensure compliance with federal law.

I also direct you to provide me with a written status report within 60 days on how you will carry out this directive.

Your implementation of this directive will help inform gun purchasers about their responsibility under federal law to keep handguns from our children. It will also ensure that gun purchasers are warned about the frequency with which handguns kill or injure our kids.

WJC