

It is a stretch to construe suggested reforms as evidence of "judicial activism," but to search for this members of the Judiciary Committee unprecedentedly asked her to disclose her personal positions on all 160 past ballot propositions in California.

Morrow's confirmation has been delayed by the Senate beyond any reasonable bounds. Originally selected over nineteen months ago in May 1996, her nomination was unanimously approved by the Judiciary Committee that year, only to languish on the Senate floor. Morrow was again nominated at the beginning of 1997, subjected to an unusual second hearing, and recommended again by the Judiciary Committee, after which several Senators placed secret holds on her nomination, preventing a final vote on her confirmation. These holds, which prevented a final vote on her confirmation during the 1st Session of the 105th Congress, were recently lifted.

As Senator Orrin Hatch repeatedly said: "playing politics with judges is unfair, and I'm sick of it." We agree with his sentiment. Given Margaret Morrow's impressive qualifications, we urge you to bring the nomination to the Senate floor, ensure that it receives prompt, full and fair consideration, and that a final vote on her nomination is scheduled as soon as possible.

Sincerely,

Alliance for Justice: Nan Aron, President; American Jewish Congress: Phil Baum, Executive Director; Americans for Democratic Action: Amy Isaacs, National Director; Bazelon Center for Mental Health Law: Robert Bernstein, Executive Law; Brennan Center for Justice: E. Joshua Rosenkrantz, Executive Director; Black Women Lawyers Association of Los Angeles: Eulanda Matthews, President; California Women Lawyers: Grace E. Emery, President; Center for Law and Social Policy: Alan W. Hausman, Director; Chicago Committee for Civil Rights Under Law: Clyde E. Murphy, Executive Director; Disability Rights Education and Defense Fund: Patricia Wright, Coordinator Disabled Fund; Families USA: Judy Waxman, Director of Government Affairs; Lawyers Club of San Diego: Kathleen Juniper, Director; Leadership Conference on Civil Rights: Wade Henderson, Executive Director.

DISTINGUISHED FLYING CROSS

Mr. THURMOND. Mr. President, I rise today to recognize former Navy and Marine Corps members who received the Distinguished Flying Cross in accordance with section 573 of the National Defense Authorization Act for Fiscal Year 1998, which waived time limitations for award of this decoration for specified persons. These awards were recommended by the Secretary of the Navy based upon requests from Members of Congress. These procedures were established by section 526 of the National Defense Authorization Act for Fiscal Year 1996 to resolve a dilemma under which deserving individuals were denied the recognition they deserved solely due to the passage of time. I am proud to have established a procedure that enables these distinguished veterans to receive the honors they earned. We are very proud of their dedicated service to our Nation.

At this time, I ask unanimous consent that a list of all who were awarded

the Distinguished Flying Cross be printed in the RECORD.

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

Waiver of Time Limitations for Award of Certain Decorations to Specified Persons

DISTINGUISHED FLYING CROSS

FIRST AWARD

MARINE CORPS

Mr. Marcus F. Daley, Davis, CA
Mr. John F. Digney, Lakewood, OH
Mr. William N. Green, Kilmarnock, VA
Mr. Victor V. Hall, Lincoln, NB
Mr. Joseph E. Heindle, Jr., Vernon, OH
Mr. Brooks D. Kaufman, New Hope, PA
Mr. Harold H. Norvell, Summerville, SC
Mr. Dante H. Paliuca, North Miami, FL
Mr. Raymond W. Smith, Casselbury, FL
Mr. Louis A. Sombati, Redlands, CA
Mr. Robert R. Stecker, Cedarbury, WI
Mr. William T. Terlecki, Parlin, NJ
Mr. Bernard E. Vanden-Brandon, Westlake, OH
Mr. James Q. Yawn, Alice, TX
Mr. Harry C. Tyler, Jr., Clinton Township, MI
Mr. Gerald J. Slack, Danvers, MA
Mr. Charles L. Jones, Corcoran, CA
Mr. Dewey H. Jackson, York, SC
Mr. Richard D. Blomgren, Lake Isabella, CA
Mr. Leland G. Anderson, Mountain Home, AR
Mr. James A. Foerster, Homosassa, FL
Mr. Alfred F. Ueckert, Jr., Dallas, TX
Mr. Robert M. Stone, Nashville, TN
Mr. Ralph E. Dickson, Irvine, CA
Mr. James T. Doswell, II, Jacksonville, FL
Mr. Paul P. McCastland, Fort Lauderdale, FL
Mr. John M. O. Ryland, Portland, OR
Mr. Lynn F. Williams, Fallbrook, CA
Mr. Dean F. Ziegler, Lewistown, PA
Mr. Edward Kufeldt, Burke, VA

NAVY

Mr. Veran L. Guttery, San Diego, CA
Mr. J. D. Barber, Johnstown, PA
Mr. John R. Doyle, Shrasoth, FL
Mr. Varlock M. Gardner, Westland, MI
Mr. Michael P. McDonnell, Farmington Hills, MI
Mr. William R. Peterson, Livonia, MI
Mr. John J. Reardon, Grosse Pointe Farms, MI
Mr. Robert L. Blackmer, Whittier, CA
Mr. Francis M. Phillips, Farmington Hills, MI
Mr. Peter C. Giorio, Jr., Allen Park, MI
Mr. Raymond S. Degroote, West Bloomfield, MI
Mr. Andrew W. Yancy, Memphis, TN
Mr. Stanley W. Kern, Kutztown, PA
Mr. Walter R. Irely, Poway, CA
Mr. Frederick G. Fox, Lower Lake, CA
Mr. Elmer E. Lore, Thousand Oaks, CA
Mr. Harlan Day, Ironton, OH
Mr. Lawrence K. Kotecki, Bigfork, MT
Mr. Robert W. Carey, Round Rock, TX
Mr. Floyd C. Bradley Jr., Plainview, TX
Mr. Gordon C. Ostwall, Berwyn, IL
Mr. Lawrence H. Cool, Jr., Platte, SD
Mr. Charles E. Hill, Jr., Clinton, MI
Mr. Paul A. Gerrior, Covina, CA
Mr. Darwin T. Johnston, Manteca, CA
Mr. William E. Anderson, Jr., Pioneer, CA
Mr. Nicholas Antonelli, West Long Branch, NJ
Mr. Maurice W. Birchmeyer, Liverpool, NJ
Dr. Albert E. P. Bozic, Williamsport, PA
Mr. James G. Cockrell, Milwaukie, OR
Mr. Edward T. Gaines, Lexington, KY
Mr. Leslie D. Demott, Rancho Palos Verdes, CA
Mr. Ralph V. Elwin, Santa Barbara, CA
Mr. Morris E. Ford, Jr., Tacoma, WA

Mr. Louis J. Gavalyas, Massapequa Park, NY
Mr. Andy Glosecki, Springfield, IL
Mr. Frederick L. Gordon, Marietta, GA
Mr. Roger J. Gawer, Hermann, MO
Mr. John Gregory, Lecanto, FL
Mr. Anthony J. LaMarco, Jr., Fort Lee, NJ
Mr. Gene S. McIntyre, San Antonio, TX
Mr. Kenneth B. Wood, Plymouth, NH
Mr. Roger M. Wiley, Bradenton, FL
Mr. Howard E. Bensing, Louisville, KY
Mr. George E. Murphy, Milwaukee, WI
Mr. Robert A. Tovey, Orland Park, IL
Mr. Chester G. Ritchey, Sacramento, CA
Mr. Charles W. Scranony, Jr., Dorset, UT
Mr. Evan W. Pickrel, Alexandria, VA
Mr. Vincent J. Panzarella, Fairport Harbor, OH

Mr. Robert W. Fillion, Littleton, NH

SECOND AWARD

MARINE CORPS

Mr. Thomas A. Clemente, Loudonville, NY
Mr. Hoyt C. Johnson, Jr., Columbus, MS
Mr. Donald P. Callahan, Rensselaer, NY
Mr. Harold J. Derr, Hamburg, PA
Mr. Glenn Dunning, Zion, IL
Mr. James J. Fisher, Camp Hill, PA
Mr. Adolph B. Hugo, Jr., Tulsa, OK
Mr. Harold M. Kerber, South Holland, IL
Mr. Beverly W. Landstreet, Nashville, TN
Mr. Robert J. Moreo, Mechanicsburg, PA
Mr. Raymond G. Neal, Waxahachie, TX
Mr. Dominic A. Panasiti, Encinitas, CA
Mr. James R. Richardson, San Diego, CA
Mr. Willie B. Tucker, Stanfield, NC
Mr. Walter R. Williams, Victorville, CA
Mr. Frederick C. Eckhardt, Freehold, NJ
Mr. Philip W. Dunford, Forest City, NC
Mr. Paul E. Buskuhl, Portland, OR
Mr. Albin J. Prisky, Rockland, IL
Mr. James Padick, Banning, CA
Mr. Russell Smith, Jr., Charleston, WV

NAVY

Mr. J.D. Barber, Johnstown, PA
Mr. James H. Keating, Anacortes, WA
Mr. Vincent A. Kozole, Philadelphia, PA
Mr. Charles S. Williams, Palm Beach Gardens, FL

Mr. Garland Collett, Richardson, TX

THIRD AWARD

MARINE CORPS

Mr. Ralph P. Jones, Albany, GA
Mr. Felix S. Cecot, Portland, OR
Mr. John A. Blackstock, San Diego, CA
Mr. Harold C. Bauer, Beaver Creek, OR
Mr. Warren W. Hills, Fresno, CA
Mr. Dayton A. Swickard, Muncie, IN

FOURTH AWARD

MARINE CORPS

Mr. James E. Smurr, Columbus, OH
Mr. Harry D. Ross, Zanesville, OH
Mr. Wilton C. Fleming, Maulden, SC

FIFTH AWARD

MARINE CORPS

Mr. Walter V. Ross, Jr., Garden City, SC
Mr. Stephen G. Warren, Marshall, TX
Mr. Harding H. Holloway, Hilltop Lakes, TX
Mr. Reinholdt Deines, Garden City, KS

SIXTH AWARD

MARINE CORPS

Mr. William F. Degan, Squantum, MA
Mr. John J. Demet, Ocala, FL
Mr. Delbert R. Nash, Dunwoody, GA
Mr. Richard M. Seamon, Annapolis, MD
Mr. Paul M. Tollefsrud, Richlands, NC
Mr. Sterling F. Price, Ballwin, MO
Mr. James H. Magill, Port St. Lucie, FL
Mr. Frederick R. Scharnhorst, Richland, WA
Mr. Charles S. Scruggs, Augusta, GA

SEVENTH AWARD

MARINE CORPS

Mr. George J. Brennan, Jr., Westwood, MA
Mr. William H. Boodro, Columbus, OH

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