

# Calendar No. 304

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1601

To amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1998

Mr. LOTT (for himself, Mr. BOND, Mr. FRIST, Mr. GREGG, Mr. NICKLES, Mrs. HUTCHISON, Mr. SHELBY, Mr. LUGAR, Mr. ABRAHAM, Mr. GRAMS, Mr. HAGEL, and Mr. HUTCHINSON) introduced the following bill; which was read the first time

FEBRUARY 4, 1998

Read the second time and placed on the calendar

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## A BILL

To amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDING.**

2 Congress finds that in order to prevent the creation  
 3 of a cloned human individual through human somatic cell  
 4 nuclear transfer technology, it is right and proper to pro-  
 5 hibit the creation of cloned human embryos that would  
 6 never have the opportunity for implantation and that  
 7 would therefore be created solely for research that would  
 8 ultimately lead to their destruction.

9 **SEC. 3. PROHIBITION ON CLONING.**

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

12 **“CHAPTER 16—CLONING**

“Sec.  
 “301. Prohibition on cloning.

13 **“§ 301. Prohibition on cloning**

14 “(a) IN GENERAL.—It shall be unlawful for any per-  
 15 son or entity, public or private, in or affecting interstate  
 16 commerce, to use human somatic cell nuclear transfer  
 17 technology.

18 “(b) IMPORTATION.—It shall be unlawful for any per-  
 19 son or entity, public or private, to import an embryo pro-  
 20 duced through human somatic cell nuclear transfer tech-  
 21 nology.

22 “(c) PENALTIES.—

23 “(1) IN GENERAL.—Any person or entity who is  
 24 convicted of violating any provision of this section

1 shall be fined according to the provisions of this title  
 2 or sentenced to up to 10 years in prison, or both.

3 “(2) CIVIL PENALTY.—Any person or entity  
 4 who is convicted of violating any provision of this  
 5 section shall be subject to, in the case of a violation  
 6 that involves the derivation of a pecuniary gain, a  
 7 civil penalty of not more than an amount equal to  
 8 the amount of the gross gain multiplied by 2.

9 “(d) DEFINITION.—The term ‘human somatic cell  
 10 nuclear transfer technology’ means taking the nuclear ma-  
 11 terial of a human somatic cell and incorporating it into  
 12 an oocyte from which the nucleus has been removed or  
 13 rendered inert and producing an embryo (including a  
 14 preimplantation embryo).”.

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

“16. Cloning § 301”. .....

19 **SEC. 4. COMMISSION TO PROMOTE A NATIONAL DIALOGUE**  
 20 **ON BIOETHICS.**

21 (a) ESTABLISHMENT.—There is established within  
 22 the Institute of Medicine a commission to be known as  
 23 the National Commission to Promote a National Dialogue  
 24 on Bioethics (referred to in this section as the “Commis-  
 25 sion”).

1 (b) MEMBERSHIP.—

2 (1) NUMBER AND APPOINTMENT.—The Com-  
3 mission shall be composed of 25 members, of  
4 whom—

5 (A) 6 shall be appointed by the Majority  
6 Leader of the Senate;

7 (B) 6 shall be appointed by the Minority  
8 Leader of the Senate;

9 (C) 6 shall be appointed by the Speaker of  
10 the House of Representatives; and

11 (D) 6 shall be appointed by the Minority  
12 Leader of the House of Representatives; and

13 (E) 1, who shall serve as the Chairperson  
14 of the Commission, to be appointed jointly by  
15 the Majority Leader of the Senate, and the  
16 Speaker of the House of Representatives, in  
17 consultation with the Minority Leader of the  
18 Senate and the Minority Leader of the House  
19 of Representatives.

20 (2) REQUIREMENTS.—Each individual de-  
21 scribed in subparagraph (A) through (D) of para-  
22 graph (1) shall ensure that members appointed to  
23 the Commission are representative of the fields of  
24 law, theology, philosophy or ethics, medicine, science,  
25 and society.

1           (3) DEADLINE FOR APPOINTMENT.—Members  
2 of the Commission shall be appointed by not later  
3 than December 1, 1998.

4           (4) TERMS OF APPOINTMENT.—A member of  
5 the Commission appointed under paragraph (1) shall  
6 serve for a term of 3 years. Members may not serve  
7 consecutive terms.

8           (5) MEETINGS.—The Commission shall meet at  
9 the call of its Chairperson or a majority of its mem-  
10 bers.

11           (6) QUORUM.—A quorum shall consist of 13  
12 members of the Commission.

13           (7) VACANCIES.—A vacancy on the Commission  
14 shall be filled in the same manner in which the origi-  
15 nal appointment was made not later than 30 days  
16 after the Commission is given notice of the vacancy  
17 and shall not affect the power of the remaining  
18 members to execute the duties of the Commission.

19           (8) COMPENSATION.—Members of the Commis-  
20 sion shall receive no additional pay, allowances, or  
21 benefits by reason of their service on the Commis-  
22 sion.

23           (9) EXPENSES.—Each member of the Commis-  
24 sion shall receive travel expenses and per diem in

1        lieu of subsistence in accordance with sections 5702  
2        and 5703 of title 5, United States Code.

3        (c) DUTIES OF THE COMMISSION.—The Commission  
4        shall provide an independent forum for broad public par-  
5        ticipation and discourse concerning important bioethical  
6        issues including cloning, and provide for a report to Con-  
7        gress concerning the findings, conclusions, and rec-  
8        ommendations of the Commission concerning Federal pol-  
9        icy and possible Congressional action.

10       (d) STAFF AND SUPPORT SERVICES.—

11            (1) STAFF.—With the approval of the Commis-  
12        sion, the chairperson of the Commission may ap-  
13        point such personnel as the chairperson considers  
14        appropriate.

15            (2) APPLICABILITY OF CIVIL SERVICE LAWS.—

16        The staff of the Commission shall be appointed with-  
17        out regard to the provisions of title 5, United States  
18        Code, governing appointments in the competitive  
19        service, and shall be paid without regard to the pro-  
20        visions of chapter 51 and subchapter III of chapter  
21        53 of such title (relating to classification and Gen-  
22        eral Schedule pay rates).

23            (3) EXPERTS AND CONSULTANTS.—With the  
24        approval of the Commission, the chairperson may

1 procure temporary and intermittent services under  
2 section 3109(b) of title 5, United States Code.

3 (4) PHYSICAL FACILITIES.—The Administrator  
4 of the General Services Administration shall locate  
5 suitable office space for the operation of the Com-  
6 mission. The facilities shall serve as the head-  
7 quarters of the Commission and shall include all  
8 necessary equipment and incidentals required for the  
9 proper functioning of the Commission.

10 (e) POWERS OF COMMISSION.—

11 (1) HEARINGS AND OTHER ACTIVITIES.—For  
12 the purpose of carrying out its duties, the Commis-  
13 sion may hold such public hearings and undertake  
14 such other activities as the Commission determines  
15 to be necessary to carry out its duties.

16 (2) DETAIL OF FEDERAL EMPLOYEES.—Upon  
17 the request of the Commission, the head of any Fed-  
18 eral agency is authorized to detail, without reim-  
19 bursement, any of the personnel of such agency to  
20 the Commission to assist the Commission in carry-  
21 ing out its duties. Any such detail shall not interrupt  
22 or otherwise affect the civil service status or privi-  
23 leges of the Federal employee.

24 (3) TECHNICAL ASSISTANCE.—Upon the re-  
25 quest of the Commission, the head of a Federal

1 agency shall provide such technical assistance to the  
2 Commission as the Commission determines to be  
3 necessary to carry out its duties.

4 (4) USE OF MAILS.—The Commission may use  
5 the United States mails in the same manner and  
6 under the same conditions as Federal agencies and  
7 shall, for purposes of the frank, be considered a  
8 commission of Congress as described in section 3215  
9 of title 39, United States Code.

10 (5) OBTAINING INFORMATION.—The Commis-  
11 sion may secure directly from any Federal agency  
12 information necessary to enable it to carry out its  
13 duties, if the information may be disclosed under  
14 section 552 of title 5, United States Code. Upon re-  
15 quest of the Chairperson of the Commission, the  
16 head of such agency shall furnish such information  
17 to the Commission.

18 (6) ADMINISTRATIVE SUPPORT SERVICES.—  
19 Upon the request of the Commission, the Adminis-  
20 trator of General Services shall provide to the Com-  
21 mission on a reimbursable basis such administrative  
22 support services as the Commission may request.

23 (7) PRINTING.—For purposes of costs relating  
24 to printing and binding, including the cost of per-  
25 sonnel detailed from the Government Printing Of-

1        fice, the Commission shall be deemed to be a com-  
2        mittee of the Congress.

3        (f) SUBCOMMITTEES.—

4            (1) IN GENERAL.—The Commission shall estab-  
5        lish 6 subcommittees, including—

6            (A) a subcommittee on legal issues;

7            (B) a subcommittee on theological issues;

8            (C) a subcommittee on philosophical and  
9        ethical issues;

10          (D) a subcommittee on medical issues;

11          (E) a subcommittee on scientific issues;

12        and

13          (F) a subcommittee on social issues.

14          (2) MEMBERSHIP.—With respect to the issues  
15        for which each subcommittee has been established,  
16        each subcommittee shall be composed of—

17            (A) 1 expert to be appointed by the mem-  
18        bers of the Committee who were appointed  
19        under subparagraphs (A) and (C) of subsection  
20        (b)(1);

21            (B) 1 expert to be appointed by the mem-  
22        bers of the Committee who were appointed  
23        under subparagraphs (B) and (D) of subsection  
24        (b)(1);

1           (C) 1 individual operating in the private  
2           sector who is acquainted with the issues but  
3           who is not an expert to be appointed by the  
4           members of the Committee who were appointed  
5           under subparagraphs (A) and (C) of subsection  
6           (b)(1);

7           (D) 1 individual operating in the private  
8           sector who is acquainted with the issues but  
9           who is not an expert to be appointed by the  
10          members of the Committee who were appointed  
11          under subparagraphs (B) and (D) of subsection  
12          (b)(1); and

13          (E) 4 members of the Commission with  
14          relevant expertise.

15          (3) MEETINGS.—Meetings of the subcommittees  
16          shall be approved by the Commission.

17          (g) REPORT.—Not later than December 31, 1999,  
18          and annually thereafter, the Commission shall prepare and  
19          submit to the appropriate committees of Congress a report  
20          which shall contain a detailed statement of the rec-  
21          ommendations, findings, and conclusions of the Commis-  
22          sion.

23          (h) AUTHORIZATION OF APPROPRIATIONS.—There  
24          are authorized to be appropriated such sums as may be  
25          necessary to carry out this section.

1 **SEC. 5. UNRESTRICTED SCIENTIFIC RESEARCH.**

2       Nothing in this Act (or an amendment made by this  
3 Act) shall be construed to restrict areas of scientific re-  
4 search that are not specifically prohibited by this Act (or  
5 amendments).

6 **SEC. 6. SENSE OF CONGRESS.**

7       It is the sense of Congress that the Federal Govern-  
8 ment should advocate for and join an international effort  
9 to prohibit the use of human somatic cell nuclear transfer  
10 technology to produce a human embryo.

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