

105TH CONGRESS
2^D SESSION

S. 1599

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1998

Mr. BOND (for himself, Mr. FRIST, Mr. GREGG, Mr. LOTT, Mrs. HUTCHISON, Mr. SHELBY, Mr. NICKLES, Mr. LUGAR, Mr. ABRAHAM, Mr. GRAMS, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 of 1998”.

6 **SEC. 2. FINDING.**

7 Congress finds that in order to prevent the creation
8 of a cloned human individual through human somatic cell
9 nuclear transfer technology, it is right and proper to pro-

1 hibit the creation of cloned human embryos that would
 2 never have the opportunity for implantation and that
 3 would therefore be created solely for research that would
 4 ultimately lead to their destruction.

5 **SEC. 3. PROHIBITION ON CLONING.**

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

8 **“CHAPTER 16—CLONING**

“Sec.
 “301. Prohibition on cloning.

9 **“§ 301 Prohibition on cloning**

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

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

18 “(c) PENALTIES.—

19 “(1) IN GENERAL.—Any person or entity who is
 20 convicted of violating any provision of this section
 21 shall be fined according to the provisions of this title
 22 or sentenced to up to 10 years in prison, or both.

23 “(2) CIVIL PENALTY.—Any person or entity
 24 who is convicted of violating any provision of this

1 section shall be subject to, in the case of a violation
 2 that involves the derivation of a pecuniary gain, a
 3 civil penalty of not more than an amount equal to
 4 the amount of the gross gain multiplied by 2.

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

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

“16. Cloning § 301”.

15 **SEC. 4. COMMISSION TO PROMOTE A NATIONAL DIALOGUE**
 16 **ON BIOETHICS.**

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

22 (b) MEMBERSHIP.—

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

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

3 (B) 6 shall be appointed by the Minority
4 Leader of the Senate;

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

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

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

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

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

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

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

8 (6) QUORUM.—A quorum shall consist of 13
9 members of the Commission.

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

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

20 (9) EXPENSES.—Each member of the Commis-
21 sion shall receive travel expenses and per diem in
22 lieu of subsistence in accordance with sections 5702
23 and 5703 of title 5, United States Code.

24 (c) DUTIES OF THE COMMISSION.—The Commission
25 shall provide an independent forum for broad public par-

1 participation and discourse concerning important bioethical
2 issues including cloning, and provide for a report to Con-
3 gress concerning the findings, conclusions, and rec-
4 ommendations of the Commission concerning Federal pol-
5 icy and possible Congressional action.

6 (d) STAFF AND SUPPORT SERVICES.—

7 (1) STAFF.—With the approval of the Commis-
8 sion, the chairperson of the Commission may ap-
9 point such personnel as the chairperson considers
10 appropriate.

11 (2) APPLICABILITY OF CIVIL SERVICE LAWS.—

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

19 (3) EXPERTS AND CONSULTANTS.—With the

20 approval of the Commission, the chairperson may
21 procure temporary and intermittent services under
22 section 3109(b) of title 5, United States Code.

23 (4) PHYSICAL FACILITIES.—The Administrator

24 of the General Services Administration shall locate
25 suitable office space for the operation of the Com-

1 mission. The facilities shall serve as the head-
2 quarters of the Commission and shall include all
3 necessary equipment and incidentals required for the
4 proper functioning of the Commission.

5 (e) POWERS OF COMMISSION.—

6 (1) HEARINGS AND OTHER ACTIVITIES.—For
7 the purpose of carrying out its duties, the Commis-
8 sion may hold such public hearings and undertake
9 such other activities as the Commission determines
10 to be necessary to carry out its duties.

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

19 (3) TECHNICAL ASSISTANCE.—Upon the re-
20 quest of the Commission, the head of a Federal
21 agency shall provide such technical assistance to the
22 Commission as the Commission determines to be
23 necessary to carry out its duties.

24 (4) USE OF MAILS.—The Commission may use
25 the United States mails in the same manner and

1 under the same conditions as Federal agencies and
2 shall, for purposes of the frank, be considered a
3 commission of Congress as described in section 3215
4 of title 39, United States Code.

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

13 (6) ADMINISTRATIVE SUPPORT SERVICES.—
14 Upon the request of the Commission, the Adminis-
15 trator of General Services shall provide to the Com-
16 mission on a reimbursable basis such administrative
17 support services as the Commission may request.

18 (7) PRINTING.—For purposes of costs relating
19 to printing and binding, including the cost of per-
20 sonnel detailed from the Government Printing Of-
21 fice, the Commission shall be deemed to be a com-
22 mittee of the Congress.

23 (f) SUBCOMMITTEES.—

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

- 1 (A) a subcommittee on legal issues;
2 (B) a subcommittee on theological issues;
3 (C) a subcommittee on philosophical and
4 ethical issues;
5 (D) a subcommittee on medical issues;
6 (E) a subcommittee on scientific issues;
7 and
8 (F) a subcommittee on social issues.

9 (2) MEMBERSHIP.—With respect to the issues
10 for which each subcommittee has been established,
11 each subcommittee shall be composed of—

12 (A) 1 expert to be appointed by the mem-
13 bers of the Committee who were appointed
14 under subparagraphs (A) and (C) of subsection
15 (b)(1);

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

20 (C) 1 individual operating in the private
21 sector who is acquainted with the issues but
22 who is not an expert to be appointed by the
23 members of the Committee who were appointed
24 under subparagraphs (A) and (C) of subsection
25 (b)(1);

1 (D) 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 (B) and (D) of subsection
6 (b)(1); and

7 (E) 4 members of the Commission with
8 relevant expertise.

9 (3) MEETINGS.—Meetings of the subcommittees
10 shall be approved by the Commission.

11 (g) REPORT.—Not later than December 31, 1999,
12 and annually thereafter, the Commission shall prepare and
13 submit to the appropriate committees of Congress a report
14 which shall contain a detailed statement of the rec-
15 ommendations, findings, and conclusions of the Commis-
16 sion.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary to carry out this section.

20 **SEC. 5. UNRESTRICTED SCIENTIFIC RESEARCH.**

21 Nothing in this Act (or an amendment made by this
22 Act) shall be construed to restrict areas of scientific re-
23 search that are not specifically prohibited by this Act (or
24 amendments).

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

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

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