

by many, as displaying a profound disrespect for life, and recent scientific advances indicate that there are fruitful and morally unproblematic alternatives to this approach;

(6)(A) it will be nearly impossible to ban attempts at "reproductive cloning" once cloned human embryos are available in the laboratory because—

(i) cloning would take place within the privacy of a doctor-patient relationship;

(ii) the transfer of embryos to begin a pregnancy is a simple procedure; and

(iii) any government effort to prevent the transfer of an existing embryo, or to prevent birth once transfer has occurred would raise substantial moral, legal, and practical issues; and

(B) so, in order to be effective, a ban on human cloning must stop the cloning process at the beginning; and

(7) collaborative efforts to perform human cloning are conducted in ways that affect interstate and even international commerce, and the legal status of cloning will have a great impact on how biotechnology companies direct their resources for research and development.

(C) PROHIBITION ON HUMAN CLONING.—

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

"CHAPTER 16—HUMAN CLONING

"Sec.

"301. Definitions.

"302. Prohibition on human cloning.

"§ 301. Definitions

"In this chapter:

"(1) HUMAN CLONING.—The term 'human cloning' means human asexual reproduction, accomplished by introducing the nuclear material of a human somatic cell into a fertilized or unfertilized oocyte whose nucleus has been removed or inactivated to produce a living organism (at any stage of development) with a human or predominantly human genetic constitution.

"(2) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

"§ 302. Prohibition on human cloning

"(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce—

"(1) to perform or attempt to perform human cloning;

"(2) to participate in an attempt to perform human cloning; or

"(3) to ship or receive the product of human cloning for any purpose.

"(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, to import the product of human cloning for any purpose.

"(c) PENALTIES.—

"(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or imprisoned not more than 10 years, or both.

"(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than \$1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than \$1,000,000.

"(d) SCIENTIFIC RESEARCH.—Nothing in this section shall restrict areas of scientific research not specifically prohibited by this

section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans."

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Cloning 301".

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Federal Government should advocate for and join an international effort to prohibit human cloning, as defined in section 301 of title 18, United States Code, as added by this section; and

(2) the President should commission a study, to be conducted by the National Bioethics Advisory Commission or a successor group, of the arguments for and against the use of cloning to produce human embryos solely for research, which study should—

(A) include a discussion of the need (if any) for human cloning to produce medical advances, the ethical and legal aspects of human cloning, and the possible impact of any decision to permit human cloning for research upon efforts to prevent human cloning for reproductive purposes;

(B) include a review of new developments in cloning technology which may require that technical changes be made to subsection (c), to maintain the effectiveness of this section in prohibiting the asexual production of a new human organism that is genetically virtually identical to an existing or previously existing human being; and

(C) be submitted to Congress and the President for review not later than 5 years after the date of enactment of this Act.

SA 1156. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; which was referred to the Committee on Health, Education, Labor, and Pensions; as follows:

At the appropriate place, insert the following:

SEC. . . PROHIBITION ON THE CREATION OF HUMAN EMBRYOS FOR RESEARCH PURPOSES.

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

"CHAPTER 16—HUMAN EMBRYO CREATION

"Sec.

"301. Definition.

"302. Prohibition on the creation of human embryos for research purposes.

"§ 301. Definition

"In this chapter the term 'human embryo' includes any organism not protected as a human subject under part 46 of title 45, Code of Federal Regulations, as of the date of enactment of this chapter, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

"§ 302. Prohibition on the creation of human embryos for research purposes

"(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce to create a human embryo for research purposes.

"(b) PENALTIES.—

"(1) IN GENERAL.—Any person or entity that is convicted of violating any provision

of this section shall be fined under this section or imprisoned not more than 10 years, or both.

"(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than \$1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than \$1,000,000.

"(c) SCIENTIFIC RESEARCH.—Nothing in this section shall restrict areas of scientific research not specifically prohibited by this section."

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

"16. Human Embryo Creation 311".

SA 1157. Mr. SMITH of New Hampshire (for himself, Mr. HARKIN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 26, 2001 in SR-328A at 10:30 a.m. The purpose of this hearing will be to consider nominations for positions at the Department of Agriculture.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination has been added to a full committee hearing previously announced for Friday, July 27, at 9:30 a.m. in SD-366 for the purpose of receiving testimony on H.R. 308, to establish the Guam War Claims Review Commission, and H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax.

The committee will also receive testimony on the nomination of Theresa Alvililar-Speake to be Director of the Office of Minority Economic Impact, Department of Energy.

For further information, please call Sam Fowler at 202/224-3607.