

107TH CONGRESS  
1ST SESSION

# S. 1758

To prohibit human cloning while preserving important areas of medical research, including stem cell research.

---

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2001

Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mrs. BOXER, Mr. MILLER, Mr. CORZINE, Mr. DURBIN, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To prohibit human cloning while preserving important areas of medical research, including stem cell research.

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 2001”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the National Bioethics Advisory Commission  
9       (referred to in this Act as the “NBAC”) has re-  
10       viewed the scientific and ethical implications of

1 human cloning and has determined that the cloning  
2 of human beings is morally unacceptable;

3 (2) the NBAC recommended that Federal legis-  
4 lation be enacted to prohibit anyone from conducting  
5 or attempting human cloning, whether using Federal  
6 or non-Federal funds;

7 (3) the NBAC also recommended that the  
8 United States cooperate with other countries to en-  
9 force mutually supported prohibitions on human  
10 cloning;

11 (4) the NBAC found that somatic cell nuclear  
12 transfer (also known as nuclear transplantation)  
13 may have many important applications in medical  
14 research;

15 (5) the Institute of Medicine has found that nu-  
16 clear transplantation may enable stem cells to be de-  
17 veloped in a manner that will permit such cells to be  
18 transplanted into a patient without being rejected;

19 (6) the NBAC concluded that any regulatory or  
20 legislative actions undertaken to prohibit human  
21 cloning should be carefully written so as not to inter-  
22 fere with other important areas of research, such as  
23 stem cell research; and

24 (7)(A) biomedical research and clinical facilities  
25 engage in and affect interstate commerce;

1 (B) the services provided by clinical facilities  
2 move in interstate commerce;

3 (C) patients travel regularly across State lines  
4 in order to access clinical facilities; and

5 (D) biomedical research and clinical facilities  
6 engage scientists, doctors, and other staff in an  
7 interstate market, and contract for research and  
8 purchase medical and other supplies in an interstate  
9 market.

10 **SEC. 3. PURPOSES.**

11 It is the purpose of this Act to prohibit any attempt  
12 to clone a human being while protecting important areas  
13 of medical research, including stem cell research.

14 **SEC. 4. PROHIBITION ON HUMAN CLONING.**

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

17 **“CHAPTER 16—PROHIBITION ON HUMAN**  
18 **CLONING**

“Sec.

“301. Prohibition on human cloning.

19 **“§ 301. Prohibition on human cloning**

20 “(a) DEFINITIONS.—In this section:

21 “(1) HUMAN CLONING.—The term ‘human  
22 cloning’ means asexual reproduction by implanting  
23 or attempting to implant the product of nuclear  
24 transplantation into a uterus.

1           “(2) HUMAN SOMATIC CELL.—The term  
2           ‘human somatic cell’ means a mature, diploid cell  
3           that is obtained or derived from a living or deceased  
4           human being at any stage of development.

5           “(3) NUCLEAR TRANSPLANTATION.—The term  
6           ‘nuclear transplantation’ means transferring the nu-  
7           cleus of a human somatic cell into an oocyte from  
8           which the nucleus or all chromosomes have been or  
9           will be removed or rendered inert.

10           “(4) NUCLEUS.—The term ‘nucleus’ means the  
11           cell structure that houses the chromosomes, and  
12           thus the genes.

13           “(5) OOCYTE.—The term ‘oocyte’ means the fe-  
14           male germ cell, the egg.

15           “(b) PROHIBITIONS ON HUMAN CLONING.—It shall  
16           be unlawful for any person or other legal entity, public  
17           or private—

18           “(1) to conduct or attempt to conduct human  
19           cloning;

20           “(2) to ship the product of nuclear transplan-  
21           tation in interstate or foreign commerce for the pur-  
22           pose of human cloning in the United States or else-  
23           where; or

1           “(3) to use funds made available under any  
2           provision of Federal law for an activity prohibited  
3           under paragraph (1) or (2).

4           “(c) PROTECTION OF MEDICAL RESEARCH.—Noth-  
5           ing in this section shall be construed to restrict areas of  
6           biomedical and agricultural research or practices not ex-  
7           pressly prohibited in this section, including research or  
8           practices that involve the use of—

9           “(1) nuclear transplantation to produce human  
10          stem cells;

11          “(2) techniques to create exact duplicates of  
12          molecules, DNA, cells, and tissues;

13          “(3) mitochondrial, cytoplasmic or gene ther-  
14          apy; or

15          “(4) nuclear transplantation techniques to cre-  
16          ate nonhuman animals.

17          “(d) PENALTIES.—

18          “(1) IN GENERAL.—Whoever intentionally vio-  
19          lates any provision of subsection (b) shall be fined  
20          under this title and imprisoned not more than 10  
21          years.

22          “(2) CIVIL PENALTIES.—Whoever intentionally  
23          violates paragraph (1), (2), or (3) of subsection (b)  
24          shall be subject to a civil penalty of \$1,000,000 or

1 three times the gross pecuniary gain resulting from  
2 the violation, whichever is greater.

3 “(3) CIVIL ACTIONS.—If a person is violating  
4 or about to violate the provisions of subsection (b),  
5 the Attorney General may commence a civil action in  
6 an appropriate Federal district court to enjoin such  
7 violation.

8 “(4) FORFEITURE.—Any property, real or per-  
9 sonal, derived from or used to commit a violation or  
10 attempted violation of the provisions of subsection  
11 (b), or any property traceable to such property, shall  
12 be subject to forfeiture to the United States in ac-  
13 cordance with the procedures set forth in chapter 46  
14 of title 18, United States Code.

15 “(5) ADVISORY OPINIONS.—The Attorney Gen-  
16 eral shall, upon request, render binding advisory  
17 opinions regarding the scope, applicability, interpre-  
18 tation, and enforcement of this section with regard  
19 to specific research projects or practices.

20 “(e) COOPERATION WITH FOREIGN COUNTRIES.—It  
21 is the sense of Congress that the President should cooper-  
22 ate with foreign countries to enforce mutually supported  
23 restrictions on the activities prohibited under subsection  
24 (b).



1           “(3) NUCLEUS.—The term ‘nucleus’ means the  
2 cell structure that houses the chromosomes, and  
3 thus the genes.

4           “(4) OOCYTE.—The term ‘oocyte’ means the fe-  
5 male germ cell, the egg.

6           “(b) APPLICABILITY OF FEDERAL ETHICAL STAND-  
7 ARDS TO NUCLEAR TRANSPLANTATION RESEARCH.—Re-  
8 search involving nuclear transplantation shall be con-  
9 ducted in accordance with the applicable provisions of part  
10 46 of title 45, Code of Federal Regulations (as in effect  
11 on the date of enactment of the Human Cloning Prohibi-  
12 tion Act of 2001).

13           “(c) CIVIL PENALTIES.—Whoever intentionally vio-  
14 lates subsection (b) shall be subject to a civil penalty of  
15 not more than \$250,000.

16           “(d) ENFORCEMENT.—The Secretary of Health and  
17 Human Services shall have the exclusive authority to en-  
18 force this section.”.

○