

107TH CONGRESS
2D SESSION

S. 1899

To amend title 18, United States Code, to prohibit human cloning.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2002

Mr. BROWNBACK (for himself, Mr. GREGG, Mr. BENNETT, Mr. BOND, Mr. BUNNING, Mr. DEWINE, Mr. ENSIGN, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. VOINOVICH, 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 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 2001”.

6 **SEC. 2. PROHIBITION ON HUMAN CLONING.**

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

1 **“CHAPTER 16—HUMAN CLONING**

“Sec.

“301. Definitions.

“302. Prohibition on human cloning.

2 **“§ 301. Definitions**

3 “In this chapter:

4 “(1) HUMAN CLONING.—The term ‘human
5 cloning’ means human asexual reproduction, accom-
6 plished by introducing nuclear material from one or
7 more human somatic cells into a fertilized or
8 unfertilized oocyte whose nuclear material has been
9 removed or inactivated so as to produce a living or-
10 ganism (at any stage of development) that is geneti-
11 cally virtually identical to an existing or previously
12 existing human organism.

13 “(2) ASEXUAL REPRODUCTION.—The term
14 ‘asexual reproduction’ means reproduction not initi-
15 ated by the union of oocyte and sperm.

16 “(3) SOMATIC CELL.—The term ‘somatic cell’
17 means a diploid cell (having a complete set of chro-
18 mosomes) obtained or derived from a living or de-
19 ceased human body at any stage of development.

20 **“§ 302. Prohibition on human cloning**

21 “(a) IN GENERAL.—It shall be unlawful for any per-
22 son or entity, public or private, in or affecting interstate
23 commerce, knowingly—

1 “(1) to perform or attempt to perform human
2 cloning;

3 “(2) to participate in an attempt to perform
4 human cloning; or

5 “(3) to ship or receive for any purpose an em-
6 bryo produced by human cloning or any product de-
7 rived from such embryo.

8 “(b) IMPORTATION.—It shall be unlawful for any per-
9 son or entity, public or private, knowingly to import for
10 any purpose an embryo produced by human cloning, or
11 any product derived from such embryo.

12 “(c) PENALTIES.—

13 “(1) CRIMINAL PENALTY.—Any person or enti-
14 ty that violates this section shall be fined under this
15 title or imprisoned not more than 10 years, or both.

16 “(2) CIVIL PENALTY.—Any person or entity
17 that violates any provision of this section shall be
18 subject to, in the case of a violation that involves the
19 derivation of a pecuniary gain, a civil penalty of not
20 less than \$1,000,000 and not more than an amount
21 equal to the amount of the gross gain multiplied by
22 2, if that amount is greater than \$1,000,000.

23 “(d) SCIENTIFIC RESEARCH.—Nothing in this sec-
24 tion restricts areas of scientific research not specifically
25 prohibited by this section, including research in the use

1 of nuclear transfer or other cloning techniques to produce
 2 molecules, DNA, cells other than human embryos, tissues,
 3 organs, plants, or animals other than humans.”.

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

“16. Human Cloning 301”.

8 **SEC. 3. STUDY BY GENERAL ACCOUNTING OFFICE.**

9 (a) IN GENERAL.—The General Accounting Office
 10 shall conduct a study to assess the need (if any) for
 11 amendment of the prohibition on human cloning, as de-
 12 fined in section 301 of title 18, United States Code, as
 13 added by this Act, which study should include—

14 (1) a discussion of new developments in medical
 15 technology concerning human cloning and somatic
 16 cell nuclear transfer, the need (if any) for somatic
 17 cell nuclear transfer to produce medical advances,
 18 current public attitudes and prevailing ethical views
 19 concerning the use of somatic cell nuclear transfer,
 20 and potential legal implications of research in so-
 21 matic cell nuclear transfer; and

22 (2) a review of any technological developments
 23 that may require that technical changes be made to
 24 section 2 of this Act.

1 (b) REPORT.—The General Accounting Office shall
2 transmit to the Congress, within 4 years after the date
3 of enactment of this Act, a report containing the findings
4 and conclusions of its study, together with recommenda-
5 tions for any legislation or administrative actions which
6 it considers appropriate.

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