

107TH CONGRESS
1ST SESSION

S. 790

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

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2001

Mr. BROWNBACK (for himself, Mr. BOND, and Mr. SMITH of New Hampshire)
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. FINDINGS.**

7 Congress finds that—

8 (1) some individuals have announced that they
9 will attempt to clone human beings using the tech-
10 nique known as somatic cell nuclear transfer already

1 used with limited success in cloning sheep and other
2 animals;

3 (2) nearly all scientists agree that such at-
4 tempts pose a massive risk of producing children
5 who are stillborn, unhealthy, or severely disabled,
6 and considered opinion is virtually unanimous that
7 such attempts are therefore grossly irresponsible and
8 unethical;

9 (3) efforts to create human beings by cloning
10 mark a new and decisive step toward turning human
11 reproduction into a manufacturing process in which
12 children are made in laboratories to preordained
13 specifications and, potentially, in multiple copies;

14 (4) creating cloned live-born human children
15 (sometimes called “reproductive cloning”) begins by
16 creating cloned human embryos, a process which
17 some also propose as a way to create embryos for re-
18 search or as sources of cells and tissues for possible
19 treatment of other humans;

20 (5) the prospect of creating new human life
21 solely to be exploited and destroyed in this way has
22 been condemned on moral grounds by many, as dis-
23 playing a profound disrespect for life, and recent sci-
24 entific advances indicate that there are fruitful and
25 morally unproblematic alternatives to this approach;

1 (6)(A) it will be nearly impossible to ban at-
 2 tempts at “reproductive cloning” once cloned human
 3 embryos are available in the laboratory because—

4 (i) cloning would take place within the pri-
 5 vacy of a doctor-patient relationship;

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

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

13 (B) so, in order to be effective, a ban on human
 14 cloning must stop the cloning process at the begin-
 15 ning; and

16 (7) collaborative efforts to perform human
 17 cloning are conducted in ways that affect interstate
 18 and even international commerce, and the legal sta-
 19 tus of cloning will have a great impact on how bio-
 20 technology companies direct their resources for re-
 21 search and development.

22 **SEC. 3. PROHIBITION ON HUMAN CLONING.**

23 (a) IN GENERAL.—Title 18, United States Code, is
 24 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 the nuclear material of a
7 human somatic cell into a fertilized or unfertilized
8 oocyte whose nucleus has been removed or inac-
9 tivated to produce a living organism (at any stage
10 of development) with a human or predominantly
11 human genetic constitution.

12 “(2) SOMATIC CELL.—The term ‘somatic cell’
13 means a diploid cell (having a complete set of chro-
14 mosomes) obtained or derived from a living or de-
15 ceased human body at any stage of development.

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

17 “(a) IN GENERAL.—It shall be unlawful for any per-
18 son or entity, public or private, in or affecting interstate
19 commerce—

20 “(1) to perform or attempt to perform human
21 cloning;

22 “(2) to participate in an attempt to perform
23 human cloning; or

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

3 “(b) IMPORTATION.—It shall be unlawful for any per-
4 son or entity, public or private, to import the product of
5 human cloning for any purpose.

6 “(c) PENALTIES.—

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

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

19 “(d) SCIENTIFIC RESEARCH.—Nothing in this sec-
20 tion shall restrict areas of scientific research not specifi-
21 cally prohibited by this section, including research in the
22 use of nuclear transfer or other cloning techniques to
23 produce molecules, DNA, cells other than human embryos,
24 tissues, organs, plants, or animals other than humans.”.

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

“16. Human Cloning 301”.

5 **SEC. 4. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

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

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

16 (A) include a discussion of the need (if
 17 any) for human cloning to produce medical ad-
 18 vances, the ethical and legal aspects of human
 19 cloning, and the possible impact of any decision
 20 to permit human cloning for research upon ef-
 21 forts to prevent human cloning for reproductive
 22 purposes;

23 (B) include a review of new developments
 24 in cloning technology which may require that
 25 technical changes be made to section 3 of this

1 Act, to maintain the effectiveness of this Act in
2 prohibiting the asexual production of a new
3 human organism that is genetically virtually
4 identical to an existing or previously existing
5 human being; and

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

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