

108TH CONGRESS  
1ST SESSION

# S. 245

To amend the Public Health Service Act to prohibit human cloning.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2003

Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. VOINOVICH, Mr. SHELBY, Mr. SESSIONS, Mr. SANTORUM, Mr. NICKLES, Mr. KYL, Mr. INHOFE, Mr. HAGEL, Mr. GRASSLEY, Mr. ENZI, Mr. GRAHAM of South Carolina, Mr. FITZGERALD, Mr. ENSIGN, Mr. DEWINE, Mr. CRAIG, Mr. CORNYN, Mr. BUNNING, Mr. BENNETT, Mr. ALLARD, Mr. THOMAS, and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act 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 2003”.

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

2 Part H of title IV of the Public Health Service Act  
3 (42 U.S.C. 289 et seq.) is amended by adding at the end  
4 the following:

5 **“SEC. 498D. PROHIBITION ON HUMAN CLONING.**

6 “(a) DEFINITIONS.—In this section:

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

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

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

23 “(b) PROHIBITION.—It shall be unlawful for any per-  
24 son or entity, public or private, in or affecting interstate  
25 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           “(c) 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.

11          “(d) PENALTIES.—

12           “(1) CRIMINAL PENALTY.—Any person or enti-  
13           ty that violates this section shall be fined or impris-  
14           oned for not more than 10 years, or both.

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

22           “(e) SCIENTIFIC RESEARCH.—Nothing in this section  
23           restricts areas of scientific research not specifically prohib-  
24           ited by this section, including research in the use of nu-  
25           clear transfer or other cloning techniques to produce mol-

1 ecules, DNA, cells other than human embryos, tissues, or-  
2 gans, plants, or animals other than humans.”.

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

4 (a) IN GENERAL.—The General Accounting Office  
5 shall conduct a study to assess the need (if any) for  
6 amendment of the prohibition on human cloning, as de-  
7 fined in section 498D(a) of the Public Health Service Act,  
8 as added by this Act, which study should include—

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

17 (2) a review of any technological developments  
18 that may require that technical changes be made to  
19 section 498D of the Public Health Service Act.

20 (b) REPORT.—The General Accounting Office shall  
21 transmit to the Congress, within 4 years after the date  
22 of enactment of this Act, a report containing the findings  
23 and conclusions of its study, together with recommenda-

- 1 tions for any legislation or administrative actions which
- 2 it considers appropriate.

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