

110TH CONGRESS  
1ST SESSION

# H. R. 2560

To amend the Federal Food, Drug, and Cosmetic Act to prohibit human cloning, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2007

Ms. DEGETTE (for herself, Mr. MURPHY of Connecticut, Mr. LANGEVIN, Mr. SPACE, Mrs. BOYDA of Kansas, and Mr. CARNAHAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to prohibit human cloning, and for other purposes.

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 2007”.

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

7 (a) IN GENERAL.—The Federal Food, Drug, and  
8 Cosmetic Act (21 U.S.C. 301 et seq.) is amended by add-  
9 ing at the end the following:

1           **“CHAPTER X—HUMAN CLONING**

2           “PROHIBITION AGAINST HUMAN CLONING

3           “SEC. 1001. (a) IN GENERAL.—It shall be unlawful  
4 for any person—

5           “ (1) to perform or attempt to perform human  
6 cloning; or

7           “ (2) to ship, mail, transport, or receive the  
8 product of human somatic cell nuclear transfer tech-  
9 nology knowing that such product is for the purpose  
10 of human cloning.

11          “(b) DEFINITIONS.—For purposes of this section:

12          “ (1) The term ‘human cloning’ means the im-  
13 plantation of the product of human somatic cell nu-  
14 clear transfer technology into a uterus or the func-  
15 tional equivalent of a uterus.

16          “ (2) The term ‘human somatic cell nuclear  
17 transfer technology’ means transferring the nuclear  
18 material of a human somatic cell into an egg cell  
19 from which the nuclear material has been removed  
20 or rendered inert.

21          “ (3) The term ‘person’ includes a governmental  
22 entity.”.

23          (b) PROHIBITED ACTS.—

1           (1) IN GENERAL.—Section 301 of the Federal  
2           Food, Drug, and Cosmetic Act (21 U.S.C. 331) is  
3           amended by adding at the end the following:

4           “(jj) The violation of section 1001(a).”.

5           (2) CRIMINAL PENALTY.—Section 303(b) of the  
6           Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
7           333(b)) is amended by adding at the end the fol-  
8           lowing:

9           “(7) Notwithstanding subsection (a), any person who  
10          violates section 301(jj) shall be imprisoned not more than  
11          10 years or fined in accordance with title 18, United  
12          States Code, or both.”.

13          (3) CIVIL PENALTIES.—Section 303 of the Fed-  
14          eral Food, Drug, and Cosmetic Act (21 U.S.C. 333)  
15          is amended—

16                 (A) by redesignating subsection (g) as sub-  
17                 section (f); and

18                 (B) by adding at the end the following:

19           “(g)(1) Any person who violates section 301(jj) shall  
20          be liable to the United States for a civil penalty in an  
21          amount not to exceed the greater of—

22                 “(A) \$10,000,000; or

23                 “(B) an amount equal to the amount of any  
24          gross pecuniary gain derived from such violation  
25          multiplied by 2.

1       “(2) Paragraphs (3) through (5) of subsection (f)  
2 apply with respect to a civil penalty under this subsection  
3 to the same extent and in the same manner as such para-  
4 graphs (3) through (5) apply with respect to a civil penalty  
5 under subsection (f).”.

6           (4) FORFEITURE.—Section 303 of the Federal  
7 Food, Drug, and Cosmetic Act, as amended by para-  
8 graph (3), is amended by adding at the end the fol-  
9 lowing:

10       “(h) Any property, real or personal, derived from or  
11 used to commit a violation of section 301(jj), or any prop-  
12 erty traceable to such property, shall be subject to for-  
13 feiture to the United States.”.

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