

110TH CONGRESS
1ST SESSION

S. 1036

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

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2007

Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCAIN, Mr. MARTINEZ, Mr. SESSIONS, Mr. THOMAS, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 2007”.

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-

ecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.”.

SEC. 3. STUDY BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) IN GENERAL.—The Government Accountability Office shall conduct a study to assess the need for amendment of the prohibition on human cloning, as defined in section 498D(a) of the Public Health Service Act, as added by section 2, which study should include—

(1) a discussion of new developments in medical technology concerning human cloning and somatic cell nuclear transfer, the need (if any) for somatic cell nuclear transfer to produce medical advances, current public attitudes and prevailing ethical views concerning the use of somatic cell nuclear transfer, and potential legal implications of research in somatic cell nuclear transfer; and

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

(b) REPORT.—The Government Accountability Office shall transmit to Congress, not later than 4 years after the date of enactment of this Act, a report containing the findings and conclusions of its study, together with rec-

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

