

111TH CONGRESS
1ST SESSION

H. R. 110

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. FORTENBERRY introduced the following bill; which was 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 2009”.

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 sheep and other ani-
2 mals;

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) because it is an asexual form of reproduc-
15 tion, cloning confounds the meaning of “father” and
16 “mother” and confuses the identity and kinship rela-
17 tions of any cloned child, and thus threatens to
18 weaken existing notions regarding who bears which
19 parental duties and responsibilities for children;

20 (5) because cloning requires no personal in-
21 volvement by the person whose genetic material is
22 used, cloning could easily be used to reproduce living
23 or deceased persons without their consent;

24 (6) creating cloned live-born human children
25 (sometimes called “reproductive cloning”) nec-

1 essarily begins by creating cloned human embryos, a
2 process which some also propose as a way to create
3 embryos for research or as sources of cells and tis-
4 sues for possible treatment of other humans;

5 (7) the prospect of creating new human life
6 solely to be exploited and destroyed in this way has
7 been condemned on moral grounds by many, includ-
8 ing supporters of a right to abortion, as displaying
9 a profound disrespect for life, and recent scientific
10 advances with adult stem cells indicate that there
11 are fruitful and morally unproblematic alternatives
12 to this approach;

13 (8) in order to be effective, a ban on human
14 cloning must stop the cloning process at the begin-
15 ning because—

16 (A) cloning would take place within the
17 privacy of a doctor-patient relationship;

18 (B) the transfer of embryos to begin a
19 pregnancy is a simple procedure; and

20 (C) any Government effort to prevent the
21 transfer of an existing embryo, or to prevent
22 birth once the transfer has occurred, would
23 raise substantial moral, legal, and practical
24 issues, so that it will be nearly impossible to
25 prevent attempts at “reproductive cloning” once

1 cloned human embryos are available in the lab-
2 oratory;

3 (9) the scientifically and medically useful prac-
4 tices of cloning of DNA fragments, known as molec-
5 ular cloning, the duplication of somatic cells (or
6 stem cells) in tissue culture, known as cell cloning,
7 and whole-organism or embryo cloning of nonhuman
8 animals are appropriate uses of medical technology;

9 (10) in the preamble to the 1998 Additional
10 Protocol on the Prohibition of Cloning Human
11 Beings the Council of Europe agreed that “the
12 instrumentalisation of human beings through the de-
13 liberate creation of genetically identical human
14 beings is contrary to human dignity and thus con-
15 stitutes a misuse of biology and medicine”;

16 (11) 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 (12) at least 23 countries have banned all
23 human cloning, including Canada, France, and Ger-
24 many;

1 (13) the United Nations has passed a declara-
 2 tion calling for all human cloning to be banned by
 3 member nations; and

4 (14) attempts to create cloned human embryos
 5 for development of embryonic stem cell lines have
 6 been unsuccessful, most recently involving the exploi-
 7 tation of over a hundred women in South Korea to
 8 provide over 2,000 human eggs without the produc-
 9 tion of a single stem cell line.

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

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

13 **“CHAPTER 16—HUMAN CLONING**

 “Sec.

 “301. Definitions.

 “302. Prohibition on human cloning.

14 **“§ 301. Definitions**

15 “‘In this chapter:

16 “(1) HUMAN CLONING.—The term ‘human
 17 cloning’ means human asexual reproduction, accom-
 18 plished by introducing the nuclear material of a
 19 human somatic cell into a fertilized or unfertilized
 20 oocyte whose nucleus has been removed or inac-
 21 tivated to produce a living organism (at any stage
 22 of development) with a human or predominantly
 23 human genetic constitution.

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

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

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

9 “(1) to perform or attempt to perform human
 10 cloning;

11 “(2) to participate in an attempt to perform
 12 human cloning; or

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

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

18 “(c) PENALTIES.—

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

23 “(2) CIVIL PENALTY.—Any person or entity
 24 that is convicted of violating any provision of this
 25 section shall be subject to, in the case of a violation

1 that involves the derivation of a pecuniary gain, a
 2 civil penalty of not less than \$1,000,000 and not
 3 more than an amount equal to the amount of the
 4 gross gain multiplied by 2, if that amount is greater
 5 than \$1,000,000.

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

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

“16. Human Cloning 301”.

