

S 245 IS

108th CONGRESS
1st Session
S. 245

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

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Human Cloning Prohibition Act of 2003'.

SEC. 2. PROHIBITION ON HUMAN CLONING.

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

`SEC. 498D. PROHIBITION ON HUMAN CLONING.

`(a) DEFINITIONS- In this section:

`(1) HUMAN CLONING- The term `human cloning' means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

`(2) ASEXUAL REPRODUCTION- The term `asexual reproduction' means reproduction not initiated by the union of oocyte and sperm.

`(3) SOMATIC CELL- The term `somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

`(b) PROHIBITION- It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly--

`(1) to perform or attempt to perform human cloning;

`(2) to participate in an attempt to perform human cloning; or

`(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

`(c) IMPORTATION- It shall be unlawful for any person or entity, public or private, knowingly to import for any purpose an embryo produced by human cloning.

`(d) PENALTIES-

`(1) CRIMINAL PENALTY- Any person or entity that violates this section shall be fined or imprisoned for not more than 10 years, or both.

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

`(e) SCIENTIFIC RESEARCH- Nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.'

SEC. 3. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL- The General Accounting Office shall conduct a study to assess the need (if any) for amendment of the prohibition on human cloning, as defined in section 498D(a) of the Public Health Service Act, as added by this Act, 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 General Accounting Office shall transmit to the Congress, within 4 years after the date of enactment of this Act, a report containing the findings and conclusions of its study, together with recommendations for any legislation or administrative actions which it considers appropriate. *END*