

107TH CONGRESS
1ST SESSION

H. R. 1644

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2001

Mr. WELDON of Florida (for himself and Mr. STUPAK) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2001”.

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-

1 nique known as somatic cell nuclear transfer already
2 used with limited success in sheep and other ani-
3 mals;

4 (2) nearly all scientists agree that such at-
5 tempts pose a massive risk of producing children
6 who are stillborn, unhealthy, or severely disabled,
7 and considered opinion is virtually unanimous that
8 such attempts are therefore grossly irresponsible and
9 unethical;

10 (3) efforts to create human beings by cloning
11 mark a new and decisive step toward turning human
12 reproduction into a manufacturing process in which
13 children are made in laboratories to preordained
14 specifications and, potentially, in multiple copies;

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

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

1 (6) creating cloned live-born human children
2 (sometimes called “reproductive cloning”) nec-
3 essarily begins by creating cloned human embryos, a
4 process which some also propose as a way to create
5 embryos for research or as sources of cells and tis-
6 sues for possible treatment of other humans;

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

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

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

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

22 (C) any government effort to prevent the
23 transfer of an existing embryo, or to prevent
24 birth once the transfer has occurred, would
25 raise substantial moral, legal, and practical

1 issues, so that it will be nearly impossible to
2 prevent attempts at “reproductive cloning” once
3 cloned human embryos are available in the lab-
4 oratory;

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

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

18 (11) collaborative efforts to perform human
19 cloning are conducted in ways that affect interstate
20 and even international commerce, and the legal sta-
21 tus of cloning will have a great impact on how bio-
22 technology companies direct their resources for re-
23 search and development.

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

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

4 **“CHAPTER 16—HUMAN CLONING**

“Sec.

“301. Definitions.

“302. Prohibition on human cloning.

5 **“§ 301. Definitions**

6 “In this chapter:

7 “(1) HUMAN CLONING.—The term ‘human
8 cloning’ means human asexual reproduction, accom-
9 plished by introducing the nuclear material of a
10 human somatic cell into a fertilized or unfertilized
11 oocyte whose nucleus has been removed or inac-
12 tivated to produce a living organism (at any stage
13 of development) with a human or predominantly
14 human genetic constitution.

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

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

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

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 the product of human
6 cloning for any purpose.

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

10 “(c) PENALTIES.—

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

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

23 “(d) SCIENTIFIC RESEARCH.—Nothing in this sec-
24 tion shall restrict areas of scientific research not specifi-
25 cally prohibited by this section, including research in the

1 use of nuclear transfer or other cloning techniques to
 2 produce molecules, DNA, cells other than human embryos,
 3 tissues, organs, plants, or animals other than humans.”.

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

“16. Human Cloning 301”.

8 **SEC. 4. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

10 (1) the Federal Government should advocate for
 11 and join an international effort to prohibit human
 12 cloning, as defined in section 301 of title 18, United
 13 States Code, as added by this Act; and

14 (2) the President should commission a study, to
 15 be conducted by the National Bioethics Advisory
 16 Commission or a successor group, of the arguments
 17 for and against the use of cloning to produce human
 18 embryos solely for research, which study should—

19 (A) include a discussion of the need (if
 20 any) for human cloning to produce medical ad-
 21 vances, the ethical and legal aspects of human
 22 cloning, and the possible impact of any decision
 23 to permit human cloning for research upon ef-
 24 forts to prevent human cloning for reproductive
 25 purposes;

1 (B) include a review of new developments
2 in cloning technology which may require that
3 technical changes be made to section 3 of this
4 Act, to maintain the effectiveness of this Act in
5 prohibiting the asexual production of a new
6 human organism that is genetically virtually
7 identical to an existing or previously existing
8 human being; and
9 (C) be submitted to Congress and the
10 President for review not later than 5 years after
11 the date of enactment of this legislation.

○