

107TH CONGRESS
2^D SESSION

S. 1893

To ban human cloning while protecting stem cell research.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2002

Mr. HARKIN (for himself, Mr. SPECTER, Mrs. BOXER, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To ban human cloning while protecting stem cell research.

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 Ban
5 and Stem Cell Research Protection Act of 2002”.

6 **SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICES**
7 **ACT.**

8 Part H of Title IV of the Public Health Services Act
9 (42 U.S.C. 289 et seq.), is amended by adding at the end
10 the following:

1 **“SEC. 498C. HUMAN CLONING AND STEM CELL RESEARCH.**

2 “(a) PROHIBITION.—It shall be unlawful for any per-
3 son or entity, public or private, in or affecting interstate
4 commerce—

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

7 “(2) to ship, receive, or import the product of
8 nuclear transplantation for the purpose of human
9 cloning.

10 “(b) PENALTIES.—

11 “(1) CRIMINAL PENALTIES.—Any person or en-
12 tity that is convicted of violating any provision of
13 this section shall be fined under this section and im-
14 prisoned not more than 10 years, or both.

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

22 “(c) DEFINITIONS.—In this section:

23 “(1) HUMAN CLONING.—The term ‘human
24 cloning’ means asexual human reproduction by im-
25 planting or attempting to implant the product of nu-

1 clear transplantation into a woman's uterus or a
2 substitute for a woman's uterus.

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

7 “(3) NUCLEAR TRANSPLANTATION.—The term
8 ‘nuclear transplantation’ means introducing the nu-
9 clear material of a human somatic cell into a fer-
10 tilized or unfertilized oocyte from which the nucleus
11 has been or will be removed or inactivated.

12 “(d) SCIENTIFIC RESEARCH.—Nothing in this sec-
13 tion shall be construed to restrict areas of biomedical, ag-
14 ricultural, and scientific research not specifically prohib-
15 ited by this section, including somatic cell nuclear transfer
16 or other cloning technologies to clone molecules, DNA,
17 cells, and tissues.”.

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