To amend the Federal Food, Drug, and Cosmetic Act to prohibit human cloning, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2007

Ms. DeGette (for herself, Mr. Murphy of Connecticut, Mr. Langevin, Mr. Space, Mrs. Boyda of Kansas, and Mr. Carnahan) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to prohibit human cloning, and for other purposes.

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 2007”.

SEC. 2. PROHIBITION AGAINST HUMAN CLONING.

(a) IN GENERAL.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:
“CHAPTER X—HUMAN CLONING

“PROHIBITION AGAINST HUMAN CLONING

“Sec. 1001. (a) In General.—It shall be unlawful for any person—

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

“(2) to ship, mail, transport, or receive the product of human somatic cell nuclear transfer technology knowing that such product is for the purpose of human cloning.

“(b) Definitions.—For purposes of this section:

“(1) The term ‘human cloning’ means the implantation of the product of human somatic cell nuclear transfer technology into a uterus or the functional equivalent of a uterus.

“(2) The term ‘human somatic cell nuclear transfer technology’ means transferring the nuclear material of a human somatic cell into an egg cell from which the nuclear material has been removed or rendered inert.

“(3) The term ‘person’ includes a governmental entity.”.

(b) Prohibited Acts.—
(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

“(jj) The violation of section 1001(a).”.

(2) CRIMINAL PENALTY.—Section 303(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)) is amended by adding at the end the following:

“(7) Notwithstanding subsection (a), any person who violates section 301(jj) shall be imprisoned not more than 10 years or fined in accordance with title 18, United States Code, or both.”.

(3) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended—

(A) by redesignating subsection (g) as subsection (f); and

(B) by adding at the end the following:

“(g)(1) Any person who violates section 301(jj) shall be liable to the United States for a civil penalty in an amount not to exceed the greater of—

“(A) $10,000,000; or

“(B) an amount equal to the amount of any gross pecuniary gain derived from such violation multiplied by 2.
“(2) Paragraphs (3) through (5) of subsection (f) apply with respect to a civil penalty under this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under subsection (f).”.

(4) FORFEITURE.—Section 303 of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (3), is amended by adding at the end the following:

“(h) Any property, real or personal, derived from or used to commit a violation of section 301(jj), or any property traceable to such property, shall be subject to forfeiture to the United States.”.