

118TH CONGRESS  
1ST SESSION

# H. R. 451

To amend title 18, United States Code, to criminalize abuse with respect to assisted reproductive technology, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2023

Mrs. BICE (for herself, Ms. SHERRILL, Ms. LETLOW, and Ms. HOULAHAN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to criminalize abuse with respect to assisted reproductive technology, and for other purposes.

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 “Protecting Families  
5 from Fertility Fraud Act of 2023”.

1 **SEC. 2. ABUSE WITH RESPECT TO ASSISTED REPRODUC-**  
2 **TIVE TECHNOLOGY.**

3 (a) IN GENERAL.—Chapter 109A of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“SEC. 2249. ABUSE WITH RESPECT TO ASSISTED REPRO-**  
7 **DUCTIVE TECHNOLOGY.**

8 “(a) OFFENSE.—Whoever, in any circumstance de-  
9 scribed in subsection (b), knowingly misrepresents the na-  
10 ture or source of DNA used in assisted reproductive tech-  
11 nology (including any treatment or procedure that involves  
12 the handling of human oocytes or embryos such as in vitro  
13 fertilization, gamete intrafallopian transfer, and zygote  
14 intrafallopian transfer) or assisted insemination (including  
15 any procedure that involves the handling of sperm includ-  
16 ing intrauterine insemination) shall be fined under this  
17 title, imprisoned for not more than 10 years, or both.

18 “(b) CIRCUMSTANCE DESCRIBED.—For the purposes  
19 of subsection (a), the circumstances described in this sub-  
20 section are that—

21 “(1) the defendant or victim traveled in inter-  
22 state or foreign commerce, or traveled using a  
23 means, channel, facility, or instrumentality of inter-  
24 state or foreign commerce, in furtherance of or in  
25 connection with the conduct described in subsection  
26 (a);

1           “(2) the defendant used a means, channel, fa-  
2           cility, or instrumentality of interstate or foreign  
3           commerce in furtherance of or in connection with  
4           the conduct described in subsection (a);

5           “(3) any payment of any kind was made, di-  
6           rectly or indirectly, in furtherance of or in connec-  
7           tion with the conduct described in subsection (a)  
8           using any means, channel, facility, or instrumen-  
9           tality of interstate or foreign commerce or in or af-  
10          fecting interstate or foreign commerce;

11          “(4) the defendant transmitted in interstate or  
12          foreign commerce any communication relating to or  
13          in furtherance of the conduct described in subsection  
14          (a) using any means, channel, facility, or instrumen-  
15          tality of interstate or foreign commerce or in or af-  
16          fecting interstate or foreign commerce by any means  
17          or manner, including by computer, mail, wire, or  
18          electromagnetic transmission;

19          “(5) any instrument, item, substance, or other  
20          object that has traveled in interstate or foreign com-  
21          merce was used to perform the conduct described in  
22          subsection (a);

23          “(6) the conduct described in subsection (a) oc-  
24          curred within the special maritime and territorial ju-

1 jurisdiction of the United States, or any territory or  
2 possession of the United States; or

3 “(7) the conduct described in subsection (a)  
4 otherwise occurred in or affected interstate or for-  
5 eign commerce.

6 “(c) STATUTE OF LIMITATIONS.—In the case in  
7 which DNA testing leads to the identification of a person  
8 who has violated subsection (a), no statute of limitations  
9 that would otherwise preclude the prosecution of an of-  
10 fense under subsection (a) shall preclude such prosecution  
11 until the date that is 10 years after the date on which  
12 such person was identified.”.

13 (b) RACKETEERING ACTIVITY.—Section 1961(1) of  
14 title 18, United States Code, is amended by inserting “sec-  
15 tion 2249 (relating to abuse with respect to assisted repro-  
16 ductive technology),” after “(relating to nuclear mate-  
17 rials),”.

18 (c) TABLE OF CONTENTS.—The table of sections for  
19 chapter 109A of title 18, United States Code, is amended  
20 by adding at the end the following:

“2249. Abuse with respect to assisted reproductive technology.”.

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