

109TH CONGRESS  
1ST SESSION

# H. R. 810

To amend the Public Health Service Act to provide for human embryonic stem cell research.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2005

Mr. CASTLE (for himself, Ms. DEGETTE, Mr. BASS, Mr. DINGELL, Mr. FOLEY, Mr. WAXMAN, Mrs. BONO, Mr. STARK, Mr. TOM DAVIS of Virginia, Mr. CUMMINGS, Mr. KIRK, Ms. SLAUGHTER, Mrs. KELLY, Mr. EVANS, Mr. SHAYS, Mr. RANGEL, Mr. SIMMONS, Mr. CONYERS, Mr. BOEHLERT, Mr. LANGEVIN, Mr. SCHWARZ of Michigan, Mr. UDALL of Colorado, Mr. GIBBONS, Ms. BALDWIN, Mr. GILCHREST, Ms. PELOSI, Mr. PORTER, Mr. ABERCROMBIE, Mr. RAMSTAD, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BEAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADLEY of New Hampshire, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARNAHAN, Ms. CARSON, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFazio, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HONDA, Ms. HOOLEY, Mr. HOLT, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KOLBE, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mr. MATHE-SON, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SABO, Ms. LINDA T.

SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SHERMAN, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. WATERS, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. DENT) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to provide for  
human embryonic 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 “Stem Cell Research  
5 Enhancement Act of 2005”.

6 **SEC. 2. HUMAN EMBRYONIC STEM CELL RESEARCH.**

7       Part H of title IV of the Public Health Service Act  
8 (42 U.S.C. 289 et seq.) is amended by inserting after sec-  
9 tion 498C the following:

10 **“SEC. 498D. HUMAN EMBRYONIC STEM CELL RESEARCH.**

11       “(a) IN GENERAL.—Notwithstanding any other pro-  
12 vision of law (including any regulation or guidance), the  
13 Secretary shall conduct and support research that utilizes  
14 human embryonic stem cells in accordance with this sec-  
15 tion (regardless of the date on which the stem cells were  
16 derived from a human embryo) .

1       “(b) ETHICAL REQUIREMENTS.—Human embryonic  
2 stem cells shall be eligible for use in any research con-  
3 ducted or supported by the Secretary if the cells meet each  
4 of the following:

5           “(1) The stem cells were derived from human  
6 embryos that have been donated from in vitro fer-  
7 tilization clinics, were created for the purposes of  
8 fertility treatment, and were in excess of the clinical  
9 need of the individuals seeking such treatment.

10          “(2) Prior to the consideration of embryo dona-  
11 tion and through consultation with the individuals  
12 seeking fertility treatment, it was determined that  
13 the embryos would never be implanted in a woman  
14 and would otherwise be discarded.

15          “(3) The individuals seeking fertility treatment  
16 donated the embryos with written informed consent  
17 and without receiving any financial or other induce-  
18 ments to make the donation.

19          “(c) GUIDELINES.—Not later than 60 days after the  
20 date of the enactment of this section, the Secretary, in  
21 consultation with the Director of NIH, shall issue final  
22 guidelines to carry out this section.

23          “(d) REPORTING REQUIREMENTS.—The Secretary  
24 shall annually prepare and submit to the appropriate com-  
25 mittees of the Congress a report describing the activities

1 carried out under this section during the preceding fiscal  
2 year, and including a description of whether and to what  
3 extent research under subsection (a) has been conducted  
4 in accordance with this section.”.

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