

## Calendar No. 3

110TH CONGRESS  
1ST SESSION

# S. 5

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

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### IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. REID (for himself, Mr. HARKIN, Mr. SPECTER, Mr. KENNEDY, Mr. HATCH, Mrs. FEINSTEIN, Mr. SMITH, Mr. DURBIN, Mr. LAUTENBERG, Ms. SNOWE, Mr. SCHUMER, Ms. MIKULSKI, Mrs. CLINTON, Ms. CANTWELL, Mr. FEINGOLD, Mr. LEAHY, Mr. KOHL, Ms. STABENOW, Mr. WEBB, Mr. KERRY, Mrs. LINCOLN, Mr. DODD, Mr. MENENDEZ, Mr. REED, Mr. AKAKA, Mrs. BOXER, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. LEVIN, Mr. OBAMA, and Mr. INOUE) introduced the following bill; which was read the first time

JANUARY 8, 2007

Read the second time and placed on the calendar

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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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stem Cell Research  
3 Enhancement Act of 2007”.

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

5 Part H of title IV of the Public Health Service Act  
6 (42 U.S.C. 289 et seq.) is amended by inserting after sec-  
7 tion 498C the following:

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

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

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

19 “(1) The stem cells were derived from human  
20 embryos that have been donated from in vitro fer-  
21 tilization clinics, were created for the purposes of  
22 fertility treatment, and were in excess of the clinical  
23 need of the individuals seeking such treatment.

24 “(2) Prior to the consideration of embryo dona-  
25 tion and through consultation with the individuals  
26 seeking fertility treatment, it was determined that

1 the embryos would never be implanted in a woman  
2 and would otherwise be discarded.

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

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

11 “(d) REPORTING REQUIREMENTS.—The Secretary  
12 shall annually prepare and submit to the appropriate com-  
13 mittees of the Congress a report describing the activities  
14 carried out under this section during the preceding fiscal  
15 year, and including a description of whether and to what  
16 extent research under subsection (a) has been conducted  
17 in accordance with this section.”.

18 **SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL**  
19 **RESEARCH.**

20 Part H of title IV of the Public Health Service Act  
21 (42 U.S.C. 284 et seq.), as amended by section 2, is fur-  
22 ther amended by inserting after section 498D the fol-  
23 lowing:

1 **“SEC. 498E. ALTERNATIVE HUMAN PLURIPOTENT STEM**  
2 **CELL RESEARCH.**

3 “(a) IN GENERAL.—In accordance with section 492,  
4 the Secretary shall conduct and support basic and applied  
5 research to develop techniques for the isolation, derivation,  
6 production, or testing of stem cells that, like embryonic  
7 stem cells, are capable of producing all or almost all of  
8 the cell types of the developing body and may result in  
9 improved understanding of or treatments for diseases and  
10 other adverse health conditions, but are not derived from  
11 a human embryo.

12 “(b) GUIDELINES.—Not later than 90 days after the  
13 date of the enactment of this section, the Secretary, after  
14 consultation with the Director, shall issue final guidelines  
15 to implement subsection (a), that—

16 “(1) provide guidance concerning the next steps  
17 required for additional research, which shall include  
18 a determination of the extent to which specific tech-  
19 niques may require additional basic or animal re-  
20 search to ensure that any research involving human  
21 cells using these techniques would clearly be con-  
22 sistent with the standards established under this sec-  
23 tion;

24 “(2) prioritize research with the greatest poten-  
25 tial for near-term clinical benefit; and

1           “(3) consistent with subsection (a), take into  
2           account techniques outlined by the President’s Coun-  
3           cil on Bioethics and any other appropriate tech-  
4           niques and research.

5           “(c) REPORTING REQUIREMENTS.—Not later than  
6           January 1 of each year, the Secretary shall prepare and  
7           submit to the appropriate committees of the Congress a  
8           report describing the activities carried out under this sec-  
9           tion during the fiscal year, including a description of the  
10          research conducted under this section.

11          “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
12          tion shall be construed to affect any policy, guideline, or  
13          regulation regarding embryonic stem cell research, human  
14          cloning by somatic cell nuclear transfer, or any other re-  
15          search not specifically authorized by this section.

16          “(e) DEFINITION.—

17                  “(1) IN GENERAL.—In this section, the term  
18                  ‘human embryo’ shall have the meaning given such  
19                  term in the applicable appropriations Act.

20                  “(2) APPLICABLE ACT.—For purposes of para-  
21                  graph (1), the term ‘applicable appropriations Act’  
22                  means, with respect to the fiscal year in which re-  
23                  search is to be conducted or supported under this  
24                  section, the Act making appropriations for the De-  
25                  partment of Health and Human Services for such

1 fiscal year, except that if the Act for such fiscal year  
2 does not contain the term referred to in paragraph  
3 (1), the Act for the previous fiscal year shall be  
4 deemed to be the applicable appropriations Act.

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
6 is authorized to be appropriated such sums as may be nec-  
7 essary for each of fiscal years 2008 through 2010, to carry  
8 out this section.”.



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