

109TH CONGRESS  
1ST SESSION

# S. 471

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

FEBRUARY 28, 2005

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

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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:

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

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

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

12 “(1) The stem cells were derived from human  
13 embryos that have been donated from in vitro fer-  
14 tilization clinics, were created for the purposes of  
15 fertility treatment, and were in excess of the clinical  
16 need of the individuals seeking such treatment.

17 “(2) Prior to the consideration of embryo dona-  
18 tion and through consultation with the individuals  
19 seeking fertility treatment, it was determined that  
20 the embryos would never be implanted in a woman  
21 and would otherwise be discarded.

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

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

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

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