

111TH CONGRESS
2D SESSION

S. 3766

To amend the Public Health Service Act to provide for human stem cell research, including human embryonic stem cell research, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2010

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

A BILL

To amend the Public Health Service Act to provide for human stem cell research, including human embryonic stem cell research, 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 “Stem Cell Research
5 Advancement Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) On March 9, 2009, President Barack
9 Obama issued Executive Order 13505, entitled “Re-

1 moving Barriers to Responsible Scientific Research
 2 Involving Human Stem Cells”.

3 (2) On July 7, 2009, the National Institutes of
 4 Health issued guidelines on human stem cell re-
 5 search.

6 (3) The scientific field of stem cell research is
 7 continually advancing.

8 **SEC. 3. HUMAN STEM CELL RESEARCH.**

9 (a) IN GENERAL.—Part H of title IV of the Public
 10 Health Service Act (42 U.S.C. 289 et seq.) is amended
 11 by inserting after section 498D the following:

12 **“SEC. 498E. HUMAN STEM CELL RESEARCH.**

13 “(a) IN GENERAL.—Notwithstanding any other pro-
 14 vision of law, including section 509 of division D of the
 15 Consolidated Appropriations Act, 2010 or any substan-
 16 tially similar provision in any previous or subsequent De-
 17 partments of Labor, Health and Human Services, and
 18 Education, and Related Agencies Appropriations Act, the
 19 Secretary shall conduct and support research that utilizes
 20 human stem cells, including human embryonic stem cells.

21 “(b) ELIGIBILITY.—Human embryonic stem cells eli-
 22 gible for use in research under subsection (a) shall include
 23 stem cells that meet each of the following:

24 “(1) The stem cells were derived from human
 25 embryos that have been donated from in vitro fer-

1 tilization clinics, were created for the purposes of re-
2 productive treatment, and were in excess of the clin-
3 ical need of the individuals seeking such treatment.

4 “(2) It was determined through consultation
5 with the individuals seeking reproductive treatment
6 that the embryos to be donated would never be im-
7 planted in a woman and would otherwise be dis-
8 carded.

9 “(3) The individuals seeking reproductive treat-
10 ment donated the embryos with written informed
11 consent and without receiving any financial or other
12 inducements to make the donation.

13 **“SEC. 498F. GUIDELINES.**

14 “The Secretary, in consultation with the Director of
15 NIH, shall—

16 “(1) maintain guidelines applicable to the con-
17 duct or support of human stem cell research by the
18 Department of Health and Human Services;

19 “(2) review such guidelines not less than every
20 3 years; and

21 “(3) update such guidelines as scientifically
22 warranted.

1 **“SEC. 498G. PROHIBITION AGAINST FUNDING FOR HUMAN**
 2 **CLONING.**

3 “(a) PROHIBITION.—The Secretary shall not use any
 4 funds for the conduct or support of human cloning.

5 “(b) GUIDELINES.—The Secretary shall update the
 6 guidelines maintained under section 498F for consistency
 7 with subsection (a).

8 “(c) DEFINITIONS.—In this section, the term ‘human
 9 cloning’ means the implantation of the product of trans-
 10 ferring the nuclear material of a human somatic cell into
 11 an egg cell from which the nuclear material has been re-
 12 moved or rendered inert into a uterus or the functional
 13 equivalent of a uterus.”.

14 (b) TECHNICAL CLARIFICATION.—Section 509(a)(2)
 15 of division D of the Consolidated Appropriations Act,
 16 2010 (Public Law 111–117) is amended by inserting “ex-
 17 cept as provided under section 498E of the Public Health
 18 Service Act,” before “research in which”.

19 **SEC. 4. REPORTING REQUIREMENTS.**

20 Section 403(a)(5) of the Public Health Service Act
 21 (42 U.S.C. 283(a)(5)) is amended—

22 (1) by redesignating subparagraph (L) as (M);
 23 and

24 (2) by inserting after subparagraph (K) the fol-
 25 lowing:

1 “(L) Human stem cells.”.

