

116TH CONGRESS  
2D SESSION

# H. R. 6417

To prohibit the Secretary of Health and Human Services from withholding funds for certain research using human fetal tissue, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2020

Ms. SCHAKOWSKY (for herself, Mr. POCAN, Mrs. WATSON COLEMAN, Mr. NADLER, Ms. SPEIER, Ms. DEGETTE, Ms. FRANKEL, Ms. DELBENE, and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To prohibit the Secretary of Health and Human Services from withholding funds for certain research using human fetal tissue, 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 Cures Act  
5       of 2020”.

1 **SEC. 2. PROHIBITION AGAINST WITHHOLDING FUNDS IN**  
2 **CASES OF TECHNICAL AND SCIENTIFIC**  
3 **MERIT.**

4 (a) IN GENERAL.—In the case of any proposal for  
5 research using human fetal tissue, the Secretary of Health  
6 and Human Services may not withhold funds because of  
7 considerations under subsection (b)(1) of section 492A of  
8 the Public Health Service Act (42 U.S.C. 289a–1) if—

9 (1) the research has been recommended for ap-  
10 proval in accordance with paragraphs (1) and (2) of  
11 subsection (a) of such section 492A;

12 (2) the research will be carried out in accord-  
13 ance with section 498A of such Act (42 U.S.C.  
14 289g–1); and

15 (3) there are reasonable assurances that the re-  
16 search will not utilize any human fetal tissue that  
17 has been obtained in violation of section 498B(a) of  
18 such Act (42 U.S.C. 289g–2).

19 (b) STANDING APPROVAL REGARDING ETHICAL STA-  
20 TUS.—In the case of any proposal for research using  
21 human fetal tissue, the issuance of the report of the  
22 Human Fetal Tissue Transplantation Research Panel in  
23 December 1988 shall be deemed to be a report—

24 (1) issued by an ethics advisory board pursuant  
25 to section 492A(b)(5)(B)(ii) of the Public Health  
26 Service Act (42 U.S.C. 289a–1(b)(5)(B)(ii)); and

1           (2) finding, on a basis that is neither arbitrary  
2           nor capricious, that the nature of the research is  
3           such that it is not unethical to conduct or support  
4           the research.

5           (c) DEFINITION.—For purposes of this section, the  
6           term “human fetal tissue” has the meaning given such  
7           term in section 498A of the Public Health Service Act (42  
8           U.S.C. 289g–1).

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