

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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**H. R. 810**

**AN ACT**

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



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## AN ACT

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 2005”.

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.”.

Passed the House of Representatives May 24, 2005.

Attest:

*Clerk.*