

118TH CONGRESS
1ST SESSION

H. R. 398

To amend the Public Health Service Act to prohibit the Secretary of Health and Human Services from conducting or supporting any research involving human fetal tissue that is obtained pursuant to an induced abortion, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2023

Mr. LUTKEMEYER (for himself, Mr. MOONEY, Mr. DUNCAN, Mr. GRAVES of Louisiana, Mr. KELLY of Mississippi, Mr. ARRINGTON, Mr. JOHNSON of Louisiana, Mr. FEENSTRA, Mr. GAETZ, Mr. ROSENDALE, Mr. CLOUD, Mr. CLYDE, Mr. SMITH of New Jersey, Mr. WEBER of Texas, Mr. POSEY, Mrs. MILLER of Illinois, Mr. ELLZEY, Mr. SANTOS, Mr. JACKSON of Texas, Ms. DE LA CRUZ, Mr. EZELL, Mr. ALLEN, Mr. JOYCE of Pennsylvania, Mr. ALFORD, Mr. SELF, Mr. KUSTOFF, Mr. JOHNSON of Ohio, Mr. WILLIAMS of Texas, Mr. LAMBORN, Mr. GROTHMAN, Mr. WENSTRUP, and Mr. BURLISON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to prohibit the Secretary of Health and Human Services from conducting or supporting any research involving human fetal tissue that is obtained pursuant to an induced abortion, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Life and
3 Integrity in Research Act of 2023”.

4 **SEC. 2. NO RESEARCH BY HHS INVOLVING HUMAN FETAL**
5 **TISSUE OBTAINED PURSUANT TO AN IN-**
6 **DUCED ABORTION.**

7 (a) IN GENERAL.—The Public Health Service Act is
8 amended by inserting after section 498A of such Act (42
9 U.S.C. 289g–1) the following:

10 **“SEC. 498A–1. NO RESEARCH INVOLVING HUMAN FETAL TIS-**
11 **SUE OBTAINED PURSUANT TO AN INDUCED**
12 **ABORTION.**

13 “(a) IN GENERAL.—The Secretary may not conduct
14 or support any research involving human fetal tissue that
15 is obtained pursuant to an induced abortion.

16 “(b) DEVELOPMENT OF NEW, ETHICAL CELL
17 LINES.—Subsection (a) does not limit the authority of the
18 Secretary to develop or support the development of new,
19 high-efficiency cell lines, including for the production of
20 vaccines and genetic vectors, so long as the cell lines are
21 not derived from human fetal tissue that is obtained pur-
22 suant to an induced abortion.”.

23 (b) CONFORMING AMENDMENTS.—Section 498A of
24 the Public Health Service Act (42 U.S.C. 289g–1) is
25 amended—

1 (1) in subsections (a)(2), (c)(1)(B), and (g), by
2 striking “or induced” each place it appears; and
3 (2) in subsection (b)(2)—
4 (A) by striking subparagraph (A); and
5 (B) by redesignating subparagraphs (B)
6 and (C) as (A) and (B), respectively.

7 **SEC. 3. PROHIBITION AGAINST SOLICITATION OR KNOWING**
8 **ACQUISITION, RECEIPT, OR ACCEPTANCE OF**
9 **A DONATION OF HUMAN FETAL TISSUE**
10 **KNOWING THAT THE TISSUE WAS OBTAINED**
11 **PURSUANT TO AN INDUCED ABORTION.**

12 (a) **IN GENERAL.**—Section 498B(c)(1) of the Public
13 Health Service Act (42 U.S.C. 289g–2(c)(1)) is amended
14 to read as follows:

15 “(1) solicit or knowingly acquire, receive, or ac-
16 cept a donation (excluding any transfer for purposes
17 of autopsy or burial) of human fetal tissue knowing
18 that—

19 “(A) a human pregnancy was deliberately
20 initiated to provide such tissue; or

21 “(B) the tissue was obtained pursuant to
22 an induced abortion; or”.

23 (b) **CONFORMING CHANGES.**—Section 498B of the
24 Public Health Service Act (42 U.S.C. 289g–2), as amend-
25 ed by subsection (a), is further amended—

- 1 (1) by striking subsection (b);
2 (2) by redesignating subsections (c) through (e)
3 as subsections (b) through (d), respectively;
4 (3) in subsection (c), as redesignated—
5 (A) in paragraph (1), by striking “(a), (b),
6 or (c)” and inserting “(a) or (b)”; and
7 (B) in paragraph (2), by striking “or
8 (b)(3)”; and
9 (4) in subsection (d), as redesignated, by
10 amending paragraph (1) to read as follows:

11 “(1) The term ‘human fetal tissue’ means tis-
12 sue or cells obtained from a dead human embryo or
13 fetus after a spontaneous or induced abortion, or
14 after a stillbirth.”.

15 **SEC. 4. AUTHORIZATION FOR HHS RESEARCH ON FETAL**
16 **TISSUE AND CORRESPONDING REPORTING.**

17 Section 498A of the Public Health Service Act (42
18 U.S.C. 289g-1) is amended—

- 19 (1) in the section heading, by striking “RE-
20 SEARCH ON TRANSPLANTATION OF FETAL TISSUE”
21 and inserting “RESEARCH ON FETAL TISSUE”;
22 (2) in subsection (a)(1)—
23 (A) by striking “research on the transplan-
24 tation of human fetal tissue for therapeutic

1 purposes” and inserting “research on human
2 fetal tissue”; and

3 (B) by adding at the end the following:
4 “Notwithstanding any other provision of law,
5 any research of the Department of Health and
6 Human Services on human fetal tissue shall be
7 conducted or supported in accordance with this
8 section.”; and

9 (3) in subsection (b)(1)(B), by inserting “if the
10 fetal tissue is intended for transplantation,” before
11 “the donation is made”.

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