

appendix: pending or recent legislation involving issues in bioethics

High public interest in many issues in bioethics has led to significant attention in Congress. Highlights of pending or recent legislation on many of the issues in this book are given below and are updated periodically on the Hastings Center's web site: www.thehastingscenter.org. Legislation is included for the following: Abortion, Caregiving, Clinical Trials, Cloning, Conflict of Interest, End-of-Life Care, Disaster Planning, Gene Patents, Genetic Testing and Screening, Influenza Pandemic (see Disaster Planning), Intellectual Property and Biomedicine (see Gene Patents), Nanotechnology, Personalized Medicine (see Genetic Testing and Screening), and Stem Cells (see Cloning).

This listing is designed to reflect the themes or trends of legislation; it is not intended to be comprehensive. Bills were chosen from among several (sometimes hundreds) in each category. Selection was based on relevance to the issue, activity, number of cosponsors, and listing from advocacy groups or other tracking services. In addition, the legislation synopsis does not reflect all pertinent aspects of each proposed bill, but attempts to provide a broad overview of its primary objective. To see the Congressional Research Service (CRS) summary for each bill, do the following:

- Go to Thomas.gov: <http://thomas.loc.gov/bss/110search.html>
- Type the bill number to search the 110th Congress and make sure the pull-down menu to the left says "Bill Number"
- Click the CRS Summary link

Many of the public policy issues involving bioethics, such as end-of-life care, are decided at the state level. A comprehensive look at legislation on a particular issue will require looking to the states, which is beyond the scope of this volume.

ABBREVIATIONS

P.L. - Public Law
H.R. - House of Representatives Bill
S. - Senate Bill
RES - Resolution

Abortion

Bill number	Title	Relevant Information	Activity	Sponsor
P.L. 110-161 (H.R. 2764)	Consolidated Appropriations Act, 2008	Sec. 202 prohibits the use of funds appropriated by this title to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term or in the case of rape; Sec. 203 prohibits that funds be used to require any person to perform, or facilitate in any way the performance of, any abortion.	12/26/2007: Signed into law by President Bush	Rep. Nita Lowry (D-NY)
S. 1173	Freedom of Choice Act	Introduced in response to Supreme Court decision in <i>Gonzales v. Carhart</i> (April 18, 2007) to uphold a Federal ban on partial birth abortions, with no exception to protect the health of the mother.	4/19/2007: Referred to Committee on the Judiciary	Sen. Boxer, Barbara (D-CA)
H.R. 1457	Post-Abortion Depression Research and Care Act of 2007	Requires the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health (NIH) and the Director of the National Institute of Mental Health (NIMH), to expand and intensify NIMH research and related activities with respect to post-abortion depression and psychosis.	3/12/2007: Referred to Subcommittee on Health	Rep. Joseph Pitts (R-PA)
H.R. 618	Right to Life Act	Declares that the right to life guaranteed by the Constitution is vested in each human being. Defines "human being" to encompass all stages of life, including but not limited to the moment of fertilization or cloning.	3/1/2007: Referred to Subcommittee on the Constitution, Civil Rights, and Civil Liberties	Rep. Hunter, Duncan (R-CA)

Caregiving

Bill number	Title	Relevant information	Activity	Sponsor
S. 2337	Long-Term Care Affordability and Security Act of 2007	Allows employees to choose long-term care insurance as part of pre-tax incentives.	11/13/2007: Committee on Finance	Sen. Chuck Grassley (R-IA)
S. 2267	Americans Giving Care to Elders (AGE) Act of 2007	Provides \$12 million over 4 years for the establishment of a National Resource Center on Family Caregiving to identify and develop "best practices" and provide information and education to caregivers on policies and programs, and a tax credit of up to \$1200 for eldercare. Includes development of a website with a national database of caregiver programs and resources.	10/31/2007: Referred to Committee on Finance	Sen. Amy Klobuchar (D-MN)
S. 2121	Caregiver Assistance and Relief Effort (CARE) Act of 2007	Provides a tax credit starting at \$2,500 in 2008, for taxpayers caring for family members with long-term care needs. Would increase funding for the National Family Caregiver Support Program (NFCSP).	10/1/2007: Referred to Committee on Finance	Sen. Robert Menendez (D-NJ)
S. 898	Alzheimer's Breakthrough Act of 2007	Title III: Assistance for Caregivers. Sec. 301 requests the authorization of grants to establish and operate a national Alzheimer's Call Center to provide expert advice, care consultation, information, and referrals nationwide regarding Alzheimer's disease and related disorders. Sec. 302 expands grants to states to improve information and access to long-term care services for Alzheimer's patients living in single-family homes or rural group settings.	8/3/2007: Placed on Senate Legislative Calendar; No. 330.	Sen. Barbara A. Mikulski (D-MD)
S. 1980	Long-term Care Quality and Modernization Act of 2007	Aim is "to improve the quality of, and access to, long-term care." Includes provisions for addressing the nursing shortage, and allows Medicare to exclude from its prospective payment plans testing and treatments in skilled-nursing facilities, such as "high cost and low probability drugs used in the treatment of cancer" and "all ambulance services."	8/2/2007: Referred to Committee on Finance	Sen. Gordon H. Smith (R-OR)
H.R. 2392	Balancing Act of 2007	Offers grants to state or local governments to help pay for projects that provide wage replacement for workers who need time off for family caregiving. Also expand job protection currently granted by the Family Medical Leave Act to workers in business with 15 plus employees.	7/17/2007: Referred to Education and Labor Subcommittee on Workforce Protections	Rep. Lynn C. Woolsey (D-CA)
S. 1758	Community Living Assistance Services and Supports (CLASS) Act	Establishes a national insurance program financed by voluntary payroll deductions that would allow adults who become functionally impaired to purchase community living assistance services and supports.	7/10/2007: Hearings held at Committee on Health, Education, Labor, and Pensions	Sen. Edward Kennedy (D-MA)

Caregiving

S. 1681	Family Leave Insurance Act of 2007	Establishes a program to provide limited paid leave to workers needing time off to care for themselves, a child, spouse, or parent with a serious illness. Funded by employers and employees. Employers with more than 50 employees would be mandated to participate.	6/21/2007: Referred to Committee on Finance	Sen. Christopher Dodd (D-CT)
S. 1340	Geriatric Assessment and Chronic Care Coordination Act of 2007	Amends Medicare to provide for Medicare part B (Supplementary Medical Insurance) coverage of geriatric assessments and chronic care coordination services for eligible individuals.	5/9/2007: Referred to Committee on Finance	Sen. Blanche L. Lincoln (D-AR)
H.R. 1911	Tax Relief for Working Caregivers Act of 2007	Expands the Child and Dependent Tax Credit to taxpayers who incur caregiving expenses for parents or grandparents who do not live with them.	4/18/2007: Referred to Committee on Ways and Means	Rep. Joseph Donnelly (D-IN)
H.R. 1161	Social Security Caregiver Credit Act of 2007	Allows unpaid family caregivers to claim Social Security benefits if they are investing at least 80 hours monthly providing care to a dependent relative, for up to five years.	3/7/2007: Referred to Subcommittee on Social Security	Rep. Nita Lowry (D-NY)
S. 614 / H.R. 2902	Middle Class Opportunity Act of 2007	Expands the Child and Dependent Care Tax Credit to taxpayers who incur caregiving expenses for their parents or grandparents who do not live with them.	2/15/2007: Referred to Committee on Finance; 6/28/2007: Referred to Committee on Ways and Means	Sen. Charles E. Schumer (D-NY); Rep. Thomas Allen (D-ME)

Clinical Trials

Bill number	Title	Relevant information	Activity	Sponsor
S. RES. 307	Resolution supporting efforts to increase childhood cancer awareness, treatment, and research	Calls for Congress to support efforts to promote awareness and encourage access, resources, research, education and enrollment in clinical trials to arrest pediatric cancers.	9/5/2007: Referred to Committee on Health, Education, Labor, and Pensions	Sen. Johnny Isakson (R-GA)
H.R. 2676	Access to Cancer Clinical Trials Act of 2007	Prohibits insurance providers from denying coverage for routine medical care and services to patients enrolled in clinical cancer trials, exclusive of the actual mediations or data collection. Also requires HHS to investigate the cost to insurers for coverage of routine care for other serious and life threatening diseases.	7/24/2007: Referred to Subcommittee on Health, Employment, Labor, and Pensions	Rep. Deborah Pryce (R-OH)
H.R. 1496	Beating Infections through Research and Development Act of 2007	Provides incentives for pharmaceutical, biotechnology, and medical device companies to invest in research and development with respect to antibiotic drugs, antivirals, diagnostic tests, and vaccines that may be used to identify, treat, or prevent serious and life-threatening infectious diseases." Also extends term of some patents.	4/20/2007: Referred to Subcommittee on Courts, the Internet, and Intellectual Property	Rep. Brian Baird (D-WA)
S. 823	Microbicide Development Act	Facilitates the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.	3/8/2007: Referred to Committee on Health, Education, Labor, and Pensions	Sen. Barack Obama (D-IL)
S. 467	Fair Access to Clinical Trials (FACT) Act 2007	Requires the Secretary of HHS to establish a clinical trials results database of all publicly and privately funded clinical trial results regardless of outcome and to assess civil monetary penalties for knowingly submitting inaccurate information to the FDA.; requires the FDA to make available to the public the full reviews conducted by the agency of new or supplemental new drug applications; allows the Secretary to correct false or misleading information included in the registry or database.	1/31/2007: Referred to Committee on Health, Education, Labor, and Pensions	Sen. Christopher Dodd (D-CT)

Cloning, Stem Cells

Bill number	Title	Relevant information	Activity	Sponsor
H.R. 2564	Human Cloning Prohibition Act of 2007	Amends the federal criminal code to prohibit human cloning.	7/16/2007: Referred to Subcommittee on Crime, Terrorism, and Homeland Security	Rep. David Weldon (R-F)
S. 5	Stem Cell Research Enhancement Act of 2007	Requires the Secretary of Health and Human Services to conduct and support research that utilizes human embryonic stem cells, regardless of the date on which the stem cells were derived from a human embryo. Limits such research to stem cells that meet the following ethical requirements: (1) the stem cells were derived from human embryos donated from in vitro fertilization clinics for the purpose of fertility treatment and were in excess of the needs of the individuals seeking such treatment; (2) the embryos would never be implanted in a woman and would otherwise be discarded; and (3) such individuals donate the embryos with written informed consent and receive no financial or other inducements.	6/20/2007: Vetoed by President Bush	Sen. Harry Reid (D-NV)
H.R. 2560	Human Cloning Prohibition Act of 2007	Makes it unlawful for any person, including a governmental entity, to perform or attempt to perform human cloning; or ship, mail, transport, or receive the product of human somatic cell nuclear transfer technology knowing that such product is for the purpose of human cloning.	6/6/2007: Failed passage in House (204–213; 2/3 required)	Rep. Diana DeGette (D-CO)
S. 1036	Human Cloning Prohibition Act of 2007	Deems human cloning illegal; defines human cloning as the implantation of a cloned egg into a uterus or the functioning equivalent of a uterus.	3/29/2007: Referred to Committee on Health, Education, Labor, and Pensions	Sen. Samuel Brownback (R-KS)
S. 812	Human Cloning Ban and Stem Cell Research Protection Act of 2007	Prohibits: (1) a somatic cell nucleus from being transplanted into a human oocyte (egg) that has undergone or will undergo fertilization; (2) an unfertilized blastocyst from being maintained after more than 14 days from its first cell division, not counting storage times at temperatures less than zero degrees centigrade; (3) an oocyte from being used in nuclear transplantation research unless donated voluntarily with the donor's informed consent; (4) a human oocyte or unfertilized blastocyst from being acquired, received, or transferred for valuable consideration in interstate commerce; and (5) nuclear transplantation in a laboratory in which human oocytes are subject to assisted reproductive technology treatments or procedures.	3/8/2007: Referred to Committee on the Judiciary	Sen. Orrin G. Hatch (R-UT)
H.R. 618	Right to Life Act	Declares that the right to life guaranteed by the Constitution is vested in each human being. Defines "human being" to encompass all stages of life, including but not limited to the moment of fertilization or cloning.	3/1/2007: Referred to Subcommittee on the Constitution, Civil Rights, and Civil Liberties	Rep. Duncan Hunter (R-CA)

Conflicts of Interest

S. 2029 / H. R. 5605	Physician Payment Sunshine Act of 2007 and 2008	Amends title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.	9/6/2007: Referred to Senate Committee on Finance; 3/14/2008: Referred to House Subcommittee on Health	Sen. Charles Grassley (R-IA); Rep. Peter DeFazio (D-OR)
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End-of-life Care

Bill number	Title	Relevant information	Activity	Sponsor
S. 921	Seniors Mental Health Access Improvement Act of 2007	Expands coverage under Medicare Part B to mental health and counseling services.	3/20/2007: Referred to Senate Committee on Finance	Sen. Craig Thomas (R-WY)
S. 464	Advance Planning and Compassionate Care Act of 2007	Improves the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with.	1/31/2007: Referred to Senate Committee on Finance	Sen. John D. Rockefeller, IV (D-WV)
S. 465	Advance Directives Improvement and Education Act of 2007	Provides for Medicare coverage of end-of-life planning and consultations as part of an initial preventive physical examination; directs the Secretary of HHS to conduct a national education campaign to raise public awareness of the importance of planning for care near the end of life; and provide for a national, toll-free information clearinghouse, as well as clearinghouses that the public may access to find out about state-specific information regarding advance directives and end-of-life decisions.	1/31/2007: Referred to Senate Committee on Finance.	Sen. Bill Nelson (D-FL)

Disaster Planning, Influenza Pandemic

Bill number	Title	Relevant information	Activity	Sponsor
S. 2445	SMART RESPONSE Act	Directs the Administrator of FEMA to provide technical assistance to states and local governments in developing and exercising evacuation and sheltering plans; and, in coordination with the heads of appropriate federal agencies, to obtain and share with state, local, regional, and tribal governments information on evacuation statistics and monitoring.	12/11/2007: Placed on Senate Legislative Calendar under General Orders. Calendar No. 531.	Sen. Joseph Lieberman (I-CT)
S. 1873	Improving Emergency Medical Care and Response Act of 2007	Supports demonstration programs that design, implement, and evaluate innovative models of regionalized, comprehensive, and accountable emergency care systems. Requires the Secretary of HHS to give priority to entities that serve a population in a medically underserved area.	7/25/2007, Referred to Committee on Health, Education, Labor, and Pensions	Sen. Barack Obama (D-IL)
H.R. 1496	Beating Infections through Research and Development Act of 2007	Provides incentives for pharmaceutical companies, biotechnology companies, and medical device companies to invest in research and development with respect to antibiotic drugs, antivirals, diagnostic tests, and vaccines that may be used to identify, treat, or prevent serious and life-threatening infectious diseases. Extends term of some patents.	4/20/2007: Referred to Judiciary Subcommittee on Courts, the Internet, and Intellectual Property	Rep. Brian Baird (D-WA)
H.R. 1476	Senior Safety and Dignity Act of 2007	Provides the right to a safe environment during an emergency or natural disaster; requires nursing long-term care facilities to establish disaster emergency and evacuation plans.	3/23/2007: Referred to Ways and Means Subcommittee on Health	Rep. Ginny Brown-Waite (R-FL)

Gene Patents, Intellectual Property and Biomedicine

Bill number	Title	Relevant information	Activity	Sponsor
S. 1695	Biologics Price Competition and Innovations Act of 2007	Establishes a pathway for the licensure of biosimilar biological products, to promote innovation in the life sciences.	6/27/2007: Referred to Committee on Health, Education, Labor, and Pensions	Sen. Edward Kennedy (D-MA)
H.R. 1902	Protecting Consumer Access to Generic Drugs Act of 2007	Prohibits brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and for other purposes.	5/4/2007: Referred to Judiciary Subcommittee on Courts, the Internet, and Intellectual Property	Rep. Bobby L. Rush (D-IL)
H.R. 1496	Beating Infections Through Research and Development Act of 2007	Provides incentives for pharmaceutical companies, biotechnology companies, and medical device companies to invest in research and development with respect to antibiotic drugs, antivirals, diagnostic tests, and vaccines that may be used to identify, treat, or prevent serious and life-threatening infectious diseases.	4/20/2007: Referred to Judiciary Subcommittee on Courts, the Internet, and Intellectual Property	Rep. Brian Baird (D-WA)
S. 316	Preserve Access to Affordable Generics Act	Attempts to limit restrictions on development and introduction of generics into the market.	3/7/2007: Hearings held by Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights	Sen. Herb Kohl (D-WI)
H.R. 977	Genomic Research and Accessibility Act	Prohibits patents from being obtained for a nucleotide sequence, or its functions or correlations, or the naturally occurring products it specifies.	3/1/2007: Referred to Judiciary Subcommittee on Courts, the Internet, and Intellectual Property	Rep. Xavier Becerra (D-CA)
H.R. 1038	Access to Life-Saving Medicine Act	Provides for the licensing of comparable and interchangeable biological products.	2/15/2007: Referred Energy and Commerce Subcommittee on Health	Sen. Henry Waxman (D-CA)

Genetic Testing and Screening, Personalized Medicine and Genomics

Bill number	Title	Relevant information	Activity	Sponsor
P.L. 110-233 (H.R. 493/S. 358)	Genetic Information Nondiscrimination Act (GINA)	Prohibits discrimination in health insurance and employment on the basis of predictive genetic information by preventing health insurers and employers from using genetic information to determine eligibility, set premiums, or hire and fire employees. Also prohibits health insurers in both the group and individual markets from using genetic information to impose enrollment restrictions or adjust premium or contribution amounts; requesting genetic testing or test results; requesting or requiring the use of genetic information for the purposes of underwriting.	5/21/2008: Signed into law by President Bush	Rep. Louise Slaughter (D-NY), Sen. Olympia Snowe (R-ME)
S. 976	Genomics and Personalized Medicine Act of 2007	Expands and accelerates genomics research and initiatives to improve the accuracy of disease diagnosis, increase the safety of drugs, and identify novel treatments.	3/23/2007: Referred to Committee on Health, Education Labor, and Pensions	Sen. Obama, Barack (D-IL)
S. 736	Laboratory Test Improvement Act	Requires that all testing that requires laboratory results direct to consumers (such as DNA tests) must be registered as a medical device and thus falls within the oversight of the FDA. Also requires that laboratories conducting genetic tests to acquire genetic information must be specially certified via regulations developed by HHS.	3/1/2007: Referred to Committee on Health, Education Labor, and Pensions	Sen. Edward Kennedy (D-MA)

Nanotechnology

Bill number	Title	Relevant information	Activity	Sponsor
H.R. 5940	National Nanotechnology Initiative Amendments Act of 2008	Revises the 21st Century Nanotechnology Research and Development Act with regard to strategic plans developed pursuant to the National Nanotechnology Program. Authorizes activities for support of nanotechnology research and development, and for other purposes; Makes the National Nanotechnology Advisory Panel a distinct entity. Instructs the Panel to form a subpanel to enable it in assessing whether societal, ethical, legal, environmental, and workforce concerns are adequately addressed by the Program.	6/6/2008: Passed in House, referred to the Senate Committee on Commerce, Science, and Transportation	Rep. Bart Gordon (D-TN)
H. R. 3235	Nanotechnology Advancement and New Opportunities Act	Directs the Secretary of Commerce, if \$100 million is made available from the private sector for the establishing a Nanomanufacturing Investment Partnership, to establish such a Partnership to provide funding for precommercial nanomanufacturing research and development projects. Requires the establishment of nanotechnology research grant programs by the: (1) Secretary of Energy to address the need for clean, cheap, renewable energy; (2) Administrator of the Environmental Protection Agency (EPA) to address technologies for remediation of pollution and other environmental protection technologies; (3) Secretary of Homeland Security (DHS) to address the need for sensors and other materials related to homeland security needs; and (4) Secretary of Health and Human Services (HHS) to address health related applications of nanotechnology.	8/24/2007: Referred to Science and Technology Subcommittee on Research and Science Education	Rep. Michael M. Honda, (D-CA)