

ment's compliance with the Byrd Amendment and the effectiveness of the amendment, pursuant to Public Law 101-121, Section 319; jointly, to the Committees on Government Operations and Appropriations.

24.4 PROVIDING FOR THE CONSIDERATION OF H.R. 4

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 119):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutions of Health, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed and by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions. After passage of H.R. 4, it shall be in order to take from the Speaker's table the bill S. 1 and to consider the Senate bill in the House. It shall then be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1 and request a conference with the Senate thereon.

When said resolution was considered. After debate, Ms. SLAUGHTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, announced that the yeas had it.

Mr. GOSS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 247 Nays ..... 170

24.5 [Roll No. 58] YEAS—247

- Abercrombie Green Ortiz
Ackerman Gutierrez Orton
Andrews (ME) Hall (OH) Owens
Andrews (NJ) Hall (TX) Pallone
Andrews (TX) Hamburg Parker
Applegate Hamilton Pastor
Bacchus (FL) Harman Payne (NJ)
Baesler Hayes Payne (VA)
Barcia Hefner Pelosi
Barlow Hilliard Penny
Barrett (WI) Hinchey Peterson (FL)
Becerra Hochbrueckner Peterson (MN)
Beilenson Hoyer Pickett
Berman Hughes Pickle
Bevill Hutto Pomeroy
Bilbray Inslee Poshard
Blackwell Jacobs Price (NC)
Bonior Jefferson Rahall
Borski Johnson (GA) Rangel
Boucher Johnson (SD) Reed
Brewster Johnson, E.B. Reynolds
Brooks Johnston Richardson
Browder Kanjorski Roemer
Brown (CA) Kaptur Rose
Brown (FL) Kennedy Rostenkowski
Brown (OH) Kennelly Rowland
Bryant Kildee Roybal-Allard
Byrne Kleczka Rush
Cantwell Klein Sabo
Cardin Klink Sanders
Carr Kopetski Sangmeister
Chapman Kreidler Sarpalius
Clay LaFalce Sawyer
Clayton Lambert Schenk
Clement Lancaster Schroeder
Clyburn Lantos Schumer
Coleman LaRocco Scott
Collins (IL) Laughlin Serrano
Collins (MI) Lehman Sharp
Condit Levin Shays
Cooper Lewis (GA) Shepherd
Coppersmith Lipinski Sisisky
Costello Lloyd Skaggs
Coyne Long Skelton
Cramer Lowey Slattery
Danner Maloney Slaughter
Darden Mann Spratt
de la Garza Manton Stark
Deal Margolies-Stenholm
DeFazio Mezvinsky Stokes
DeLauro Markey Strickland
Derrick Martinez Studds
Deutsch Matsui Stupak
Dicks Mazzoli Swett
Dingell McCloskey Swift
Dixon McCurdy Synchron
Dooley McDermott Synar
Durbin McHale Tanner
Edwards (CA) McKinney Tauzin
Edwards (TX) McNulty Taylor (MS)
Engel Meehan Tejeda
English (AZ) Menendez Thornton
English (OK) Mfume Thurman
Eshoo Miller (CA) Torres
Evans Mineta Torricelli
Fazio Minge Towns
Fields (LA) Mink Trafficant
Filner Moakley Tucker
Fingerhut Mollohan Unsoeld
Flake Montgomery Valentine
Foglietta Moran Velazquez
Ford (MI) Morella Vento
Frank (MA) Murphy Visclosky
Frost Murtha Volkmer
Furse Nadler Washington
Gejdenson Natcher Waters
Gephardt Neal (MA) Watt
Geren Neal (NC) Waxman
Glickman Oberstar Wheat
Gonzalez Obey Whitten
Gordon Olver Williams

- Wilson Wise
Woolsey Wyden
Wynn Yates
NAYS—170
Allard Gingrich Molinari
Archer Goodlatte Moorhead
Army Goodling Myers
Bachus (AL) Goss Nussle
Baker (CA) Grams Oxley
Baker (LA) Grandy Packard
Ballenger Greenwood Paxon
Barrett (NE) Gunderson Petri
Bartlett Hancock Pombo
Barton Hansen Porter
Bateman Hastert Pryce (OH)
Bentley Hefley Quillen
Bereuter Herger Quinn
Bilirakis Hobson Ramstad
Bliley Hoekstra Ravenel
Blute Hoke Regula
Boehlert Holden Ridge
Boehner Horn Roberts
Bonilla Houghton Rogers
Bunning Huffington Rohrabacher
Burton Hunter Ros-Lehtinen
Buyer Hutchinson Roth
Callahan Hyde Roukema
Calvert Inglis Royce
Camp Inhofe Santorum
Canady Istook Saxton
Castle Johnson (CT) Schaefer
Clinger Johnson, Sam Schiff
Coble Kasich Sensenbrenner
Collins (GA) Kim Shaw
Combest King Shuster
Cox Kingston Skeen
Crane Klug Smith (MI)
Crapo Knollenberg Smith (NJ)
Cunningham Kolbe Smith (OR)
DeLay Kyl Smith (TX)
Diaz-Balart Lazio Snowe
Dickey Leach Solomon
Doolittle Levy Spence
Dornan Lewis (CA) Stearns
Dreier Lewis (FL) Stump
Duncan Lightfoot Sundquist
Dunn Linder Talent
Emerson Livingston Taylor (NC)
Everett Machtley Thomas (CA)
Ewing Manullo Thomas (WY)
Fawell McCandless Torkildsen
Fields (TX) McCollum Upton
Fish McCrery Vucanovich
Fowler McHugh Walker
Franks (NJ) McInnis Walsh
Gallegly McKeon Weldon
Gallo McMillan Wolf
Gekas Meyers Young (AK)
Gilchrist Mica Zeliff
Gillmor Michel Zimmer
Gilman Miller (FL)
NOT VOTING—13
Bishop Gibbons Meek
Conyers Hastings Smith (IA)
Dellums Henry Young (FL)
Ford (TN) Hoagland
Franks (CT) McDade
So the previous question on the resolution was ordered.
The question being put, viva voce,
Will the House agree to said resolution?
The SPEAKER pro tempore, Mr. FIELDS of Louisiana, announced that the yeas had it.
Mr. GOSS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.
The vote was taken by electronic device.
It was decided in the { Yeas ..... 248 affirmative ..... Nays ..... 170
24.6 [Roll No. 59] AYES—248
Abercrombie Bacchus (FL) Beilenson
Ackerman Baesler Bereuter
Andrews (ME) Barcia Berman
Andrews (NJ) Barlow Bevill
Andrews (TX) Barrett (WI) Bilbray
Applegate Becerra Blackwell

Bonior  
Borski  
Boucher  
Brewster  
Brooks  
Browder  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant  
Byrne  
Cantwell  
Cardin  
Carr  
Chapman  
Clay  
Clayton  
Clement  
Clyburn  
Coleman  
Collins (IL)  
Collins (MI)  
Condit  
Cooper  
Coppersmith  
Costello  
Coyne  
Cramer  
Danner  
Darden  
Deal  
DeFazio  
DeLauro  
Derrick  
Deutsch  
Dicks  
Dingell  
Dixon  
Dooley  
Durbin  
Edwards (CA)  
Edwards (TX)  
Engel  
English (AZ)  
English (OK)  
Eshoo  
Evans  
Fazio  
Fields (LA)  
Filner  
Fingerhut  
Flake  
Foglietta  
Ford (MI)  
Frank (MA)  
Frost  
Furse  
Gejdenson  
Gephardt  
Geren  
Gibbons  
Gilman  
Glickman  
Gonzalez  
Gordon  
Green  
Gutierrez  
Hall (OH)  
Hall (TX)  
Hamburg  
Hamilton  
Harman  
Hayes  
Hefner  
Hilliard  
Hinchee  
Hochbrueckner

Holden  
Hoyer  
Hughes  
Hutto  
Inslee  
Jacobs  
Jefferson  
Johnson (GA)  
Johnson (SD)  
Johnson, E.B.  
Johnston  
Kanjorski  
Kaptur  
Kennedy  
Kennelly  
Kildee  
Klecicka  
Klein  
Klink  
Kopetski  
Kreidler  
LaFalce  
Lambert  
Lancaster  
Lantos  
LaRocco  
Laughlin  
Lehman  
Levin  
Lewis (GA)  
Lipinski  
Lloyd  
Long  
Lowey  
Mann  
Manton  
Margolies-  
Mezvinsky  
Markey  
Martinez  
Matsui  
Mazzoli  
McCloskey  
McCurdy  
McDermott  
McHale  
McKinney  
McMillan  
McNulty  
Meehan  
Meek  
Menendez  
Mfume  
Miller (CA)  
Mineta  
Minge  
Mink  
Moakley  
Mollohan  
Montgomery  
Moran  
Morella  
Murphy  
Murtha  
Nadler  
Natcher  
Neal (MA)  
Neal (NC)  
Oberstar  
Obey  
Olver  
Orton  
Owens  
Pallone  
Parker  
Pastor  
Payne (NJ)

Payne (VA)  
Pelosi  
Penny  
Peterson (FL)  
Pickett  
Pickler  
Pomeroy  
Poshard  
Price (NC)  
Rahall  
Rangel  
Reed  
Reynolds  
Richardson  
Roemer  
Rose  
Rostenkowski  
Rowland  
Roybal-Allard  
Rush  
Sabo  
Sanders  
Sangmeister  
Sarpalus  
Sawyer  
Schenk  
Schroeder  
Schumer  
Scott  
Serrano  
Sharp  
Shays  
Shepherd  
Sisisky  
Skaggs  
Skelton  
Slattery  
Slaughter  
Snowe  
Spratt  
Stark  
Stenholm  
Stokes  
Strickland  
Studds  
Stupak  
Sweet  
Swift  
Synar  
Tanner  
Tauzin  
Tejeda  
Thornton  
Thurman  
Torres  
Torricelli  
Towns  
Traficant  
Tucker  
Unsoeld  
Valentine  
Velazquez  
Vento  
Visclosky  
Washington  
Waters  
Watt  
Waxman  
Wheat  
Whitten  
Williams  
Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates

NOES—170

Allard  
Archer  
Armey  
Bachus (AL)  
Baker (CA)  
Baker (LA)  
Ballenger  
Barrett (NE)  
Bartlett  
Barton  
Bateman  
Bentley  
Bilirakis  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bunning  
Burton  
Buyer

Callahan  
Calvert  
Camp  
Canady  
Castle  
Clinger  
Coble  
Collins (GA)  
Combest  
Cox  
Crane  
Crapo  
Cunningham  
de la Garza  
DeLay  
Diaz-Balart  
Dickey  
Doolittle  
Dornan  
Dreier  
Duncan

Dunn  
Emerson  
Everett  
Ewing  
Fawell  
Fields (TX)  
Fish  
Fowler  
Franks (CT)  
Franks (NJ)  
Gallegly  
Gallo  
Gekas  
Gilchrest  
Gillmor  
Gingrich  
Goodlatte  
Goodling  
Goss  
Grams  
Grandy

Greenwood  
Gunderson  
Hancock  
Hansen  
Hastert  
Hefley  
Herger  
Hobson  
Hoekstra  
Hoke  
Horn  
Houghton  
Huffington  
Hutchinson  
Hyde  
Inglis  
Inhofe  
Istook  
Johnson (CT)  
Johnson, Sam  
Kasich  
Kim  
King  
Kingston  
Klug  
Knollenberg  
Kolbe  
Kyl  
Lazio  
Leach  
Levy  
Lewis (CA)  
Lewis (FL)  
Lightfoot  
Linder  
Livingston

Machtley  
Manzullo  
McCandless  
McCollum  
McCrery  
McHugh  
McInnis  
McKeon  
Meyers  
Mica  
Michel  
Miller (FL)  
Molinari  
Moorhead  
Myers  
Nussle  
Ortiz  
Oxley  
Packard  
Paxon  
Peterson (MN)  
Petri  
Pombo  
Porter  
Pryce (OH)  
Quillen  
Quinn  
Ramstad  
Ravenel  
Regula  
Ridge  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth

Roukema  
Royce  
Santorum  
Saxton  
Schaefer  
Schiff  
Sensenbrenner  
Shaw  
Shuster  
Skeen  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Solomon  
Spence  
Stearns  
Stump  
Sundquist  
Talent  
Taylor (MS)  
Taylor (NC)  
Thomas (CA)  
Torkildsen  
Upton  
Volkmer  
Vucanovich  
Walker  
Walsh  
Weldon  
Wolf  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

NOT VOTING—12

Bishop  
Conyers  
Dellums  
Ford (TN)

Hastings  
Henry  
Hoagland  
Hunter

Maloney  
McDade  
Smith (IA)  
Thomas (WY)

So the resolution was agreed to.  
A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

24.7 NIH REAUTHORIZATION

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, pursuant to House Resolution 119 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, by unanimous consent, designated Mr. MFUME as Chairman of the Committee of the Whole; and after some time spent therein,

24.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following substitute amendment submitted by Mr. WAXMAN for the amendment submitted by Mr. BLILEY:

Substitute amendment submitted by Mr. WAXMAN:

In section 111 of the bill, in section 498A of the Public Health Service Act (as proposed to be inserted by the bill), strike subsection (b) and insert the following:

“(b) INFORMED CONSENT OF DONOR.—“(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

“(A) the woman donates the fetal tissue for use in research described in subsection (a);

“(B) the donation is made without any restriction regarding the identity of individ-

uals who may be the recipients of transplants of the tissue; and

“(C) the woman has not been informed of the identity of any such individuals.

“(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

“(A) in the case of tissue obtained pursuant to an induced abortion—

“(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for a donation of the tissue for use in such research;

“(ii) no alternation of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue; and

“(iii) the abortion was performed in accordance with applicable State law;

“(B) the tissue has been donated by the woman in accordance with paragraph (1); and

“(C) full disclosure has been provided to the woman with regard to—

“(i) such physician’s interest, if any, in the research to be conducted with the tissue; and

“(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman’s medical care.”.

In section 111 of the bill in subsection (c)(1)(B) of section 498A of the Public Health Service Act (as proposed to be inserted by the bill), strike “subsequent” and insert “pursuant to”.

In section 111 of the bill, in section 498A of the Public Health Service Act (as proposed to be inserted by the bill), insert after subsection (e) the following subsection (and redesignate subsequent subsections accordingly):

“(f) REPORT.—The Secretary shall annually submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding fiscal year, including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.”.

Amendment submitted by Mr. BLILEY:

In section 111 of the bill, in section 498A of the Public Health Service Act (as proposed to be inserted by the bill), strike subsection (b) and insert the following:

“(b) INFORMED CONSENT OF DONOR.—

“(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

“(A) the woman donates the fetal tissue for use in research described in subsection (a);

“(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplants of the tissue;

“(C) the woman has not been informed of the identity of any such individuals;

“(D) a discussion has taken place with the woman on whether—

“(i) the attending physician with respect to obtaining the tissue from the woman has an interest in the research to be conducted with the tissue; and

“(ii) there are any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman’s medical care; and