

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
Hinchesy
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
Cynors
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 transplantations 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 transplantations 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

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

“(i) the woman provided consent for the abortion prior to signing the statement under this paragraph, and the decision of the woman to donate the tissue is made separately and independently of the decision to undergo the abortion;

“(ii) prior to providing consent for the abortion, the woman was not offered, or without her request provided, any information regarding the donation (including a request for the donation) by the attending physician with respect to obtaining the tissue from the woman, by personnel of the office of the physician, or by personnel of the health facilities involved with the abortion; and

“(iii) to the woman’s knowledge, there has not been, or will not be, for purposes of obtaining the tissue, any alteration of the timing, method, or procedures used to terminate the pregnancy.

“(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only 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—

“(A) declaring that the woman has made a statement in accordance with paragraph (1);

“(B) declaring that full disclosure has been provided to the woman with respect 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;

“(C) declaring that, in the case of a pregnancy occurring other than pursuant to rape or incest, the father of the human fetus does not, to the knowledge of the physician, object to the donation of the tissue;

“(D) declaring that, in the case of tissue obtained pursuant to an induced abortion—

“(i) the consent of the woman for the abortion was obtained prior to obtaining consent for the tissue to be used in such research;

“(ii) prior to providing consent for the abortion, the woman was not offered, or without her request provided, any information regarding the donation (including a request for the donation) by the physician, by personnel of the office of the physician, or by personnel of the health facilities involved with the abortion; and

“(iii) there has not been, or will not be, for the purposes of obtaining the tissue, any alteration of the timing, method, or procedures used to terminate the pregnancy; and

“(E) declaring that—

“(i) the physician maintains such procedures and records as may be necessary to ensure that, during the 5-year period beginning on the date on which the physician signs the statement under this paragraph, the physician can, upon presentation of such statement, confirm that the tissue involved was donated by the woman in accordance with this subsection; and

“(ii) upon request of the Secretary, the physician will confirm that the tissue was so donated (including, if requested, presenting a photocopy of the statement signed by the woman under paragraph (1), subject to all identifying information on the woman being struck from the photocopy before presentation to the Secretary).”

In section 111 of the bill, in subsection (c) of section 498A of the Public Health Service Act (as proposed to be inserted by the bill)—

(1) in paragraph (4), strike “pregnancy” and all that follows and insert “pregnancy.”; and

(2) insert after paragraph (4) the following paragraph (and make conforming changes at the end of paragraphs (3) and (4)):

“(5) in the case of tissue obtained pursuant to an induced abortion, does not know the identity of the woman who donated the tissue.”

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 subsections (and redesignate subsequent subsections accordingly):

“(f) ISSUANCE OF CERTAIN CRITERIA.—

“(1) PROCEDURES REGARDING RESPECT FOR TISSUE.—Not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Secretary shall, with respect to research under subsection (a), issue final regulations establishing criteria for procedures to be used for human fetal tissue that accord to the tissue the same respect that is accorded to other cadaveric human tissues entitled to respect.

“(2) USE OF FEDERAL FUNDS.—

“(A) Subject to subparagraph (B), the Secretary shall issue regulations specifying the purposes for which Federal funds may be expended in research carried out under subsection (a). The Secretary shall issue final regulations under the preceding sentence not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

“(B) Regulations under subparagraph (A) shall specify that, in research carried out under subsection (a), Federal funds may not be expended for any of the costs of terminating pregnancy, except where the life of the mother would be endangered if the fetus were carried to term.

“(g) PERIODIC DETERMINATIONS REGARDING TIMING OF DONATION.—

“(1) IN GENERAL.—In the case of human fetal tissue available pursuant to induced abortions, the Secretary, subject to paragraph (2), shall make periodic determinations of the feasibility, with respect to research under subsection (a), of deferring until after the abortions any discussion with women of whether the women will donate tissue for such research.

“(2) REPORTS.—Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, and every year thereafter, the Secretary shall make a determination described in paragraph (1) and 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 findings made pursuant to the determination.”

It was decided in the { Yeas 253 affirmative } Nays 173

24.9 [Roll No. 60] AYES—253

Table listing names of members: Abercrombie, Ackerman, Andrews (ME), Andrews (NJ), Andrews (TX), Bacchus (FL), Baesler, Barlow, Barrett (WI), Becerra, Beilenson, Bentley, Berman, Bevill, Bilbray, Bishop, Blackwell, Boehlert, Bonior, Borski, Boucher, Brewster, Brooks, Browder, Brown (CA), Brown (FL), Brown (OH), Bryant, Byrne, Cantwell, Cardin, Carr, Castle, Chapman, Clayton, Clement, Clyburn, Coleman, Collins (IL), Collins (MI), Condit, Cooper, Coppersmith, Coyne, Cramer, Danner, Darden, de Lugo (VI), DeFazio, DeLauro, Dellums, Derrick, Deutsch, Dicks, Dingell, Dixon, Dooley, Durbin, Edwards (CA), Edwards (TX), Engel, English (AZ), English (OK), Eshoo, Evans, Faleomavaega (AS), Fawell, Fazio, Fields (LA), Filner, Fingerhut, Flake, Foglietta, Ford (MI), Fowler, Frank (MA), Franks (CT), Franks (NJ), Frost, Furse, Gallo, Gejdenson, Gephardt, Geren, Gibbons, Gilchrest, Gilman, Glickman, Gordon, Green, Greenwood, Gunderson, Gutierrez, Hamburg, Hamilton, Harman, Hefner, Hilliard, Hinchey, Hochbrueckner, Horn, Houghton, Hoyer, Hughes, Inslee, Jacobs, Jefferson, Johnson (CT), Johnson (GA), Johnson (SD), Johnson, E. B., Johnston, Kaptur, Kennedy, Kennelly, Kleczka, Klein, Klug, Kolbe, Kopetski, Kreidler, Lambert, Lancaster, Lantos, LaRocco, Laughlin, Lehman, Levin, Lewis (FL), Lewis (GA), Lloyd, Long, Lowey, Machtley, Maloney, Mann, Margolies-Mezvinsky, Markey, Martinez, Matsui, McCloskey, McCurdy, McDermott, McHale, McInnis, McKinney, McMillan, Meehan, Meek, Menendez, Meyers, Mfume, Miller (CA), Miller (FL), Mineta, Minge, Mink, Moakley, Molinari, Montgomery, Moran, Morella, Nadler, Natcher, Neal (MA), Neal (NC), Norton (DC), Obey, Olver, Owens, Pallone, Pastor, Payne (NJ), Payne (VA), Pelosi, Peterson (FL), Pickett, Pickle, Pomeroy, Porter, Price (NC), Pryce (OH), Ramstad, Rangel, Ravenel, Reed, Reynolds, Richardson, Ridge, Romero-Barcelo (PR), Rose, Rostenkowski, Roukema, Rowland, Roybal-Allard, Rush, Sabo, Sanders, Sangmeister, Sawyer, Schenk, Schroeder, Schumer, Scott, Serrano, Sharp, Shays, Shepherd, Siskis, Siskisky, Skaggs, Slattery, Slaughter, Smith (IA), Snowe, Spratt, Stark, Stokes, Strickland, Studds, Sweet, Swift, Synar, Tanner, Thornton, Thurman, Torildsen, Torres, Torricelli, Towns, Traficant, Tucker, Underwood (GU), Unsoeld, Upton, Valentine, Velazquez, Vento, Visclosky, Washington, Waters, Watt, Waxman, Wheat, Whitten, Williams, Wilson, Wise, Woolsey, Wyden, Wynn, Yates, Zeliff, Zimmer, Allard, Applegate, Archer, Arme, Bachus (AL), Baker (CA), Baker (LA), Ballenger, Barcia, Barrett (NE), Bartlett, Barton, Bateman, Bereuter, Bilirakis, Bliley, Blute, Boehner, Bonilla, Bunning, Burton, Buyer, Callahan, Calvert, Camp, Canady, Clinger, Coble, Collins (GA), Combust, Costello, Cox, Crane, Crapo, Cunningham, de la Garza, Deal, DeLay, Diaz-Balart, Dickey, Doolittle, Dornan, Dreier, Duncan, Dunn, Emerson, Everett, Ewing, Fields (TX), Fish, Gallegly, Gekas, Gillmor, Gingrich, Goodlatte, Goodling, Goss, Grams, Grandy, Hall (OH), Hall (TX), Hancock, Hansen, Hastert, Hayes, Hefley, Herger, Hobson, Hoekstra, Hoke, Holden, Huffington, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Istook, Johnson, Sam, Kanjorski, Kasich, Kildee, Kim, King, Kingston, Klink, Knollenberg, Kyl, LaFalce, Lazio, Levy, Lewis (CA), Lightfoot, Linder, Lipinski, Livingston, Manton, Manzullo

NOES—173