

## House Calendar No. 178

106TH CONGRESS }  
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT  
106-527

### CONTEMPT OF CONGRESS AGAINST DR. MILES JONES

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### R E P O R T

OF THE

### COMMITTEE ON COMMERCE

ON THE

### CONGRESSIONAL PROCEEDINGS AGAINST DR. MILES JONES FOR FAILURE TO APPEAR PURSUANT TO A DULY AUTHORIZED SUBPOENA



MARCH 16, 2000.—Referred to the House Calendar and ordered to be  
printed

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## CONTEMPT OF CONGRESS AGAINST DR. MILES JONES

MARCH 16, 2000.—Referred to the House Calendar and ordered to be printed

Mr. BLILEY, from the Committee on Commerce,  
submitted the following

## R E P O R T

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### PURPOSE AND SUMMARY

The purpose of this report is to set forth the basis for finding Dr. Miles Jones in contempt of Congress for his failure to appear and testify before the Subcommittee on Health and Environment of the Committee on Commerce, as required by a properly issued and served subpoena ad testificandum.

Upon adoption by the Commerce Committee and the House, this report and accompanying resolution would direct the Speaker to certify and refer the matter to the U.S. Attorney for the District of Columbia for prosecution in accordance with the statutory provision for contempt of Congress, 2 U.S.C. § 192. That offense carries

a sentence of no less than one month and no more than one year in prison, plus fines up to \$100,000.

#### FACTS, BACKGROUND AND CHRONOLOGY

On November 9, 1999, the House of Representatives adopted a resolution introduced by Representative Tom Tancredo calling upon the Congress to conduct an investigation into whether human fetuses and fetal tissue are being bought and sold in violation of Federal law (H. Res. 350). The statute at issue is 42 U.S.C. § 289g-2(a), which makes it a felony to knowingly acquire, receive or transfer human fetal tissue for valuable consideration. "Valuable consideration" is defined to exclude "reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue." 42 U.S.C. § 289g-2(d)(3).

The resolution was based on information that came to the attention of Congress indicating that at least one commercial fetal tissue broker had developed a price list for the sale of various fetal body parts, with prices that did not appear on their face to be reflective of differing cost structures and in some cases seemed unreasonably high (attached as Exhibit A). This price list was for a company named Opening Lines, an entity that acquires human fetal tissue and then provides it to the research community. Opening Lines was founded and is operated by Dr. Miles Jones, who is a pathologist by training.

Following the passage of the House resolution, the Committee on Commerce launched an investigation into whether Opening Lines or others involved in procuring, selling, or buying fetal tissue were operating in compliance with Federal law. The Committee also began reviewing related questions concerning whether other requirements of Federal law in this area were being observed, particularly, whether clinics and fetal tissue brokers were receiving informed consent from women before providing their fetuses for research purposes, and whether the timing, method, or procedures of abortions were being altered solely for the purpose of obtaining fetal tissue for research. While these latter restrictions apply only to Federally-funded transplantation research, the patient safety and ethical concerns that are the basis for these restrictions are relevant to all fetal tissue procurement.

In order to investigate this matter fully, the Committee began making formal and informal inquiries to fetal tissue brokers to obtain information relating to their fee structures and other relevant practices. As part of this investigation, Chairman Bliley wrote to Dr. Miles Jones of Opening Lines on two separate occasions (January 31 and February 16, 2000; attached as exhibits B and C), requesting pursuant to Rules X and XI of the Rules of the House of Representatives that he respond to specific questions relating to Opening Lines' business practices. Dr. Jones failed to respond to either letter. Committee staff telephoned Dr. Jones well in excess of 25 times asking that he respond to the Chairman's questions. Dr. Jones did not respond to any of those Committee staff telephone calls.

During the same time period, Chairman Bliley was interviewed by the ABC news program 20/20 about the Committee's investiga-

tion. During the course of this interview, Chairman Bliley was shown portions of an undercover videotape that 20/20 had taped in connection with its own investigation into the fetal tissue brokerage industry. Chairman Bliley was shown these segments in order to gain the Chairman's reaction to Dr. Jones' statements concerning his business practices. During this taped conversation, Dr. Jones asserted that during some weeks he could make up to \$50,000 from buying and selling fetal tissue and fetal body parts. He clearly stated that "market force" determines the prices at which he sells fetal body parts "it's what you can sell it for," he said, in response to a question about what price he charges for a fetal brain or kidney. He also asserted that the cost of procuring the fetus "is the same, whether you get one kidney or you get two kidneys, a lung, a brain, a heart." The rest, he agreed, was "just money in the bank." Dr. Jones also made statements during this undercover interview about the level of informed consent by women who donate fetal tissue.

Given these facts, and Dr. Jones' failure to respond to voluntary Committee requests for information, Chairman Bliley (after consultation with the Minority) authorized and issued, pursuant to clause 2(m)(3)(A)(i) of rule XI of the rules of the House of Representatives and rule 19 of the Rules of the Committee on Commerce, a subpoena ad testificandum on February 29, 2000, commanding Dr. Jones' appearance and testimony at a hearing of the Subcommittee on Health and Environment on March 9, 2000, at 2:00 p.m. This subpoena was lawfully served upon Dr. Jones by the U.S. Marshals Service on March 1, 2000. A copy of the subpoena and its proof of service is attached to this report as Exhibit D. Subsequent to service, Committee staff made several additional attempts to contact Dr. Jones to inquire whether he would comply with the subpoena, to no avail.

The Subcommittee convened pursuant to notice on March 9, 2000, to hold a hearing entitled "Fetal Tissue: Is It Being Bought and Sold in Violation of Federal Law?" The purpose of the hearing, as evidenced by the Committee hearing memorandum, was to "hold a limited, investigatory hearing to consider evidence that fetal tissue may have been acquired and sold for valuable consideration in contravention of Federal law." Besides Dr. Jones, several other witnesses were invited and/or subpoenaed to attend this hearing to discuss their knowledge of or roles in the procuring or selling of fetal tissue.

Following opening statements from the Members of the Subcommittee, Subcommittee Chairman Michael Bilirakis called the scheduled witnesses to the witness table, but Dr. Jones did not appear as commanded by his subpoena. At that point, full Committee Chairman Bliley offered a unanimous consent request that the hearing stand in recess, and that the Subcommittee waive all applicable notice requirements or other rules and immediately proceed into a business meeting for the purpose of considering a resolution finding Dr. Jones in contempt for his contumacious failure to comply with a subpoena ad testificandum.

Without objection, and with a quorum present, Chairman Bilirakis recessed the hearing and convened a business meeting of the Subcommittee. Chairman Bliley then offered a resolution (attached

as Exhibit E) finding that Dr. Jones was lawfully served with a validly issued subpoena commanding his appearance and testimony at the Subcommittee hearing on March 9, 2000, at 2:00 p.m.; finding Dr. Jones in contempt of Congress for his contumacious failure to appear as commanded by the subpoena ad testificandum; and directing that a report be prepared and forwarded to the full Committee for appropriate action. The resolution was approved by a record vote of 27 ayes and no nays.

#### AUTHORITY AND LEGISLATIVE PURPOSE

Clause 1 of rule X of the Rules of the House of Representatives grants the Committee on Commerce jurisdiction over public health and quarantine, biomedical research and development, health and health facilities, and interstate and foreign commerce generally. Clause 2 of rule X grants the Committee authority to review “whether laws and programs addressing subjects within the jurisdiction of [the Committee] are being implemented and carried out with the intent of Congress.” As such, it is within the oversight authority of the Committee to investigate whether fetal tissue is being bought or sold in interstate commerce in violation of Federal law, as well as the health and research-related questions surrounding that matter.

The Committee also has a clear legislative purpose in conducting such oversight, given that it could lead the Committee to consider strengthening Federal requirements in this area or mandating additional oversight or enforcement mechanisms by the Executive Branch agencies with responsibilities in this area.

#### CONCLUSION

Chairman Bliley lawfully authorized and issued a subpoena ad testificandum upon Dr. Miles Jones, pursuant to House and Committee rules and in furtherance of a valid legislative purpose within the Committee’s authority, responsibility and jurisdiction. Despite being served with this subpoena, Dr. Jones failed to appear at the scheduled hearing of the Subcommittee on Health and Environment, and his refusal to do so was both willful and contemptible.

Accordingly, the Committee recommends to the House the following resolution:

*Resolved*, That pursuant to sections 102 and 104 of the Revised Statutes of the United States (2 U.S.C. §§ 192, 194), the Speaker of the House of Representatives shall certify the report adopted by the Committee on Commerce, detailing the failure of Dr. Miles Jones to appear and testify before the Subcommittee on Health and Environment on March 9, 2000, pursuant to a duly authorized and served subpoena ad testificandum, to the United States Attorney for the District of Columbia, to the end that Dr. Miles Jones be proceeded against in the manner and form provided by law.

## HEARINGS

The Subcommittee on Health and Environment held a hearing on March 9, 2000, to receive testimony from Dr. Miles Jones, among other witnesses.

## COMMITTEE CONSIDERATION

On March 9, 2000, the Subcommittee on Health and Environment met in open session to consider a resolution of contempt against Dr. Miles Jones for failure to appear and testify as commanded by subpoena, and directing the Subcommittee to report such finding to the full Committee for such action as the Committee deems appropriate. The resolution was approved, without amendment, by a record vote of 27 yeas and no nays.

On March 15, 2000, the Committee on Commerce met in open markup session and agreed to a motion (attached as Exhibit F) by Mr. Bilirakis adopting this report, and directing the Chairman of the Committee to file this report with the House and to take such other actions as may be necessary to bring this report to the House for its consideration. The motion was agreed to by a record vote of 34 yeas and no nays.

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following are the record votes on the motion to adopt this report, including the names of those Members voting for and against. Also included is the record vote of the Subcommittee on Health and Environment adopting the resolution of contempt against Dr. Miles Jones.

## Committee on Commerce

### One Hundred Sixth Congress

#### Record Vote #26

**Bill:**  
**Amendment or Motion:** Motion by Mr. Bilirakis to adopt the report on contempt of Congress against Dr. Miles Jones and file with the House.  
**Disposition:** AGREED TO, by a record vote of 34 yeas and no nays

Representative	Yea	Nay	Pres	Representative	Yea	Nay	Pres
Mr. Bliley	X			Mr. Dingell	X		
Mr. Tauzin				Mr. Waxman			
Mr. Oxley	X			Mr. Markey			
Mr. Bilirakis	X			Mr. Hall	X		
Mr. Barton	X			Mr. Boucher			
Mr. Upton	X			Mr. Towns	X		
Mr. Stearns	X			Mr. Pallone			
Mr. Gillmor				Mr. Brown	X		
Mr. Greenwood				Mr. Gordon			
Mr. Cox	X			Mr. Deutsch	X		
Mr. Deal	X			Mr. Rush			
Mr. Largent				Ms. Eshoo	X		
Mr. Burr	X			Mr. Klink			
Mr. Bilbray	X			Mr. Stupak	X		
Mr. Whitfield	X			Mr. Engel	X		
Mr. Ganske	X			Mr. Sawyer	X		
Mr. Norwood	X			Mr. Wynn			
Mr. Coburn	X			Mr. Green	X		
Mr. Lazio	X			Ms. McCarthy	X		
Ms. Cubin				Mr. Strickland	X		
Mr. Rogan				Ms. DeGette	X		
Mr. Shimkus	X			Mr. Barrett			
Ms. Wilson	X			Mr. Luther	X		
Mr. Shadegg	X			Ms. Capps	X		
Mr. Pickering							
Mr. Fosella							
Mr. Blunt							
Mr. Bryant	X						
Mr. Ehrlich							



**Committee on Commerce**  
**Subcommittee on Health and Environment**  
**One Hundred Sixth Congress**

**Record Vote #HE-1**

**Bill:** Contempt Resolution Against Dr. Miles Jones Offered by Mr. Bliley

**Amendment or Motion:** Motion by Mr. Bliley that the Subcommittee adopt the Resolution

**Disposition:** AGREED TO, by a record vote of 27 yeas and no nays

Representative	Yea	Nay	Pres	Representative	Yea	Nay	Pres
Mr. Bilirakis	X			Mr. Brown	X		
Mr. Upton	X			Mr. Waxman	X		
Mr. Stearns	X			Mr. Pallone			
Mr. Greenwood	X			Mr. Deutsch	X		
Mr. Deal	X			Mr. Stupak	X		
Mr. Burr	X			Mr. Green	X		
Mr. Bilbray	X			Mr. Strickland	X		
Mr. Whitfield	X			Ms. DeGette	X		
Mr. Ganske	X			Mr. Barrett	X		
Mr. Norwood				Ms. Capps	X		
Mr. Coburn	X			Mr. Hall	X		
Mr. Lazio	X			Mr. Towns	X		
Ms. Cubin	X			Mrs. Eshoo	X		
Mr. Shadegg				Mr. Dingell <i>(ex officio)</i>			
Mr. Pickering	X						
Mr. Bryant	X						
Mr. Bliley <i>(ex officio)</i>	X						

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held an oversight hearing and business meeting, and made findings that are reflected in this report.

COMMITTEE ON GOVERNMENT REFORM OVERSIGHT FINDINGS

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES; COMMITTEE COST ESTIMATE; CONGRESSIONAL BUDGET OFFICE ESTIMATE; AND FEDERAL MANDATES STATEMENT

The Committee finds that clauses 3(c)(2) and (3) of rule XIII, section 402 of the Congressional Budget Act of 1974, and section 423 of the Unfunded Mandates Reform Act are inapplicable to this report. Therefore, the Committee did not request a cost estimate from the Congressional Budget Office and makes no findings as to the budgetary impact of this report.

ADVISORY COMMITTEE STATEMENT

The Committee finds that section 5(b) of the Federal Advisory Committee Act is inapplicable to this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this report is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the report does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

This report does not accompany legislation.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This report does not amend any existing Federal statute.

## EXHIBIT A

**OPENING LINES**

A DIVISION OF CONSULTATIVE &amp; DIAGNOSTIC PATHOLOGY, INC.

P. O. Box 508  
 West Frankfort, IL 62896  
 Phone: 800-490-9980  
 Fax: 618-937-1525

**Fee for Services Schedule**

Unprocessed Specimen(> 8 weeks)		\$70
Unprocessed Specimen(≤ 8 weeks)		\$50
Livers(≤ 8 weeks)	30% discount if significantly fragmented	\$150
Livers(> 8 weeks)	30% discount if significantly fragmented	\$125
Spleens(≤ 8 weeks)		\$75
Spleens(> 8 weeks)		\$50
Pancreas(≤ 8 weeks)		\$100
Pancreas(> 8 weeks)		\$75
Thymus(≤ 8 weeks)		\$100
Thymus(> 8 weeks)		\$75
Intestins & Mesentary		\$50
Mesentary(≤ 8 weeks)		\$125
Mesentary(> 8 weeks)		\$100
Kidney-with/without adrenal(≤ 8 weeks)		\$125
Kidney-with/without adrenal(> 8 weeks)		\$100
Limbs(at least 2)		\$150
Brain(≤ 8 weeks)	30% discount if significantly fragmented	\$999
Brain(> 8 weeks)	30% discount if significantly fragmented	\$150
Pituitary Gland(> 8 weeks)		\$300
Bone Marrow(≤ 8 weeks)		\$350
Bone Marrow(> 8 weeks)		\$250
Ears(≤ 8 weeks)		\$75
Ears(> 8 weeks)		\$50
Eyes(≤ 8 weeks)	40% discount for single eye	\$75
Eyes(> 8 weeks)	40% discount for single eye	\$50
Skin(> 12 weeks)		\$100
Lungs & Heart Block		\$150
Intact Embryonic Cadaver(≤ 8 weeks)		\$400
Intact Embryonic Cadaver(> 8 weeks)		\$600
Intact Calvarium		\$125
Intact Trunk(with/without limbs)		\$500
Gonads		\$550
Cord Blood(Snap Frozen LN <sub>2</sub> )		\$125
Spinal Column		\$150
Spinal Cord		\$325

**Prices in effect through December 31 1999**

EXHIBIT B

ONE HUNDRED SIXTH CONGRESS

TOM BELLY VIRGINIA CHARANNA

- W. J. BILLY TAUBIN, LOUISIANA
- MICHAEL G. DALEY, OHIO
- MICHAEL B. BARKS, FLORIDA
- JOE BARTON, TEXAS
- FRED UYBIN, MICHIGAN
- CLIFF STEARNS, FLORIDA
- PAUL E. GILBERT, OHIO
- JAMES C. GREENLEAF, PENNSYLVANIA
- CHRISTOPHER COK, CALIFORNIA
- NATHAN DEAL, GEORGIA
- STEVE LARGENT, CALIFORNIA
- RICHARD BURR, NORTH CAROLINA
- BRADY B. BURBRIDGE, CALIFORNIA
- ED WHITFIELD, KENTUCKY
- ORIN GANSKE, IOWA
- CHARLES T. HODGSON, GEORGIA
- TOM COBURN, CALIFORNIA
- RICHARD J. NEW YORK
- BARBARA CUBIN, WYOMING
- JAMES R. HANCOCK, CALIFORNIA
- W. BOB WYNTON, MISSISSIPPI
- WALTER J. BROWN, MISSISSIPPI
- JOHN E. HANDEEG, MISSISSIPPI
- CHARLES G. LINT, MISSISSIPPI
- BOB WYNTON, MISSISSIPPI
- ED BRADY, TENNESSEE
- ROBERT J. ENGLISH, MICHIGAN
- JOHN D. DINGELL, MICHIGAN
- JOHN A. WAXMAN, CALIFORNIA
- EDWARD MARKEY, MASSACHUSETTS
- RAKHAM HALL, TEXAS
- RICK BOUCHER, TEXAS
- EDDIE PHILLIPS, NEW YORK
- FRANK PALLONE, NEW JERSEY
- SHIRLEY BROWN, OHIO
- BART COOPER, TENNESSEE
- PETER DEITZ, FLORIDA
- ROBERT L. MUSH, MISSISSIPPI
- RONNIE LARSEN, CALIFORNIA
- BART STARK, MICHIGAN
- EDDY E. ENGLISH, NEW YORK
- THOMAS J. SIKES, OHIO
- ALBERTA J. HAN, MARYLAND
- DEBBIE GREEN, TEXAS
- KARLENE COLEMAN, MISSISSIPPI
- JOE STEIN, MISSISSIPPI
- JOHN L. CROWLEY, MISSISSIPPI
- THOMAS H. MASSEY, MISSISSIPPI
- BOB WYNTON, MISSISSIPPI
- JOHN W. WEAVER, MISSISSIPPI

**U.S. House of Representatives**  
**Committee on Commerce**  
 Room 2125, Rayburn House Office Building  
 Washington, DC 20515-6115  
 January 31, 2000

Miles Jones, M.D.  
 c/o Physicians Laboratory Service, Inc.  
 P.O. Box 1251  
 Clayton, GA 30525

Dear Dr. Jones:

The Committee on Commerce of the U.S. House of Representatives is investigating whether fetal tissue is being provided to the research community in a way that comports with Federal law. During the course of this investigation, the Committee has learned that you founded and operate an organization called Opening Lines, which acquires fetal tissue from facilities where abortions are performed and then provides this tissue to researchers for a fee. My Committee staff has called and left several messages for you, but you have not responded to these messages. Therefore, I am writing to ask you specific questions in order to determine whether Opening Lines is operating in compliance with Federal law.

Under Federal law, the buying and selling of fetal tissue is prohibited. Specifically, it is a crime to "knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce." 42 U.S.C. § 289g-2(a) (1993). "Valuable consideration" is defined in the statute to exclude "reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue." 42 U.S.C. § 289g-2(d)(3). Any person who violates this law is subject to imprisonment for up to 10 years, fines, or both. 42 U.S.C. § 289g-2(c)(1).

The law is quite clear that the acquiring and provisioning of human fetal tissue from elective abortions is legal so long as the fees charged and paid by providers, brokers and researchers represent reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of this tissue. In other words, human fetal tissue providers can charge for their services, but not for the human fetal tissue itself. This point was thoughtfully made by Congressman Henry Waxman when, during debate on the floor of the U.S. House of Representatives, he stated: "It would be abhorrent to allow for a sale of fetal tissue and a market to be created for that sale." 139 CONG. REC. 30, H1131 (statement of Rep. Waxman). However, based on recent news reports, I have questions about whether -- contrary to such clearly expressed Congressional intent -- a market for human fetal tissue has in fact developed.

Letter to Miles Jones, M.D.

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Accordingly, I am writing to learn more about your company's practices concerning the acquiring and provisioning of human fetal tissue, and specifically whether Opening Lines pays or receives valuable consideration for this human fetal tissue. In order for the Committee to properly evaluate this matter, and to gain a more complete understanding of Opening Lines' relationships with both suppliers and customers of human fetal tissue, I am requesting, pursuant to Rules X and XI of the U.S. House of Representatives, that you provide the following information to the Committee no later than February 14, 2000:

1. According to the Opening Lines Fee for Services Schedule that was in effect through December 31, 1999 ("the Schedule") (attached hereto), Opening Lines is "[a] division of Consultative & Diagnostic Pathology, Inc." Please explain for the Committee the relationship between Opening Lines and Consultative & Diagnostic Pathology, Inc., and describe the corporate mission of Consultative & Diagnostic Pathology, Inc. Your response should detail for the Committee the date and State of incorporation for Consultative & Diagnostic Pathology, Inc., as well as who founded Consultative & Diagnostic Pathology, Inc.
2. When was Opening Lines established? In what State was it incorporated? Was it incorporated as a not-for-profit or for-profit corporation? If established as a not-for-profit corporation, please provide the Committee with all Internal Revenue Service Forms 990 that Opening Lines has created since incorporation.
3. In 1999, Opening Lines abandoned its offices at 502 West St. Louis Street in West Frankfort, Illinois. At what location is Opening Lines presently conducting its operations?
4. When was Physicians Laboratory Service, Inc., incorporated, and by whom was it incorporated? Is Physicians Laboratory Service, Inc., in any way affiliated with Opening Lines? Does it share the same officers and employees? Does Physicians Laboratory Service, Inc., acquire fetal tissue? If Physicians Laboratory Service does acquire fetal tissue, does it use this tissue for its own research purposes, or does it provide this tissue to researchers not affiliated with it?
5. From how many locations does Opening Lines presently acquire human fetal tissue? From how many locations did Opening Lines previously acquire human fetal tissue, but no longer does? Please provide the Committee with the names and addresses of Opening Lines' present and past suppliers of human fetal tissue, as well as copies of the contracts entered into between Opening Lines and these suppliers of human fetal tissue. If Opening Lines has entered into oral contracts with past or present suppliers of human fetal tissue, please explain for the Committee the terms of such contracts. If it is Opening Lines' contention that the transfer of funds from Opening Lines to its suppliers represents reimbursement to the suppliers for the costs associated with harvesting the human fetal tissue, please provide the Committee with all records relating to the extra costs your suppliers incurred by reason of providing Opening Lines access to this human fetal tissue.

Letter to Miles Jones, M.D.

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6. Once Opening Lines is granted access to a facility in order to acquire human fetal tissue, who acquires and processes this tissue on behalf of Opening Lines? Is the tissue acquired and processed by Opening Lines' employees, or does Opening Lines rely upon the staff of the facilities where abortions are performed to also perform these services? If Opening Lines uses its own employees to perform these services, please explain to the Committee the number of employees relied upon by Opening Lines to procure this tissue, as well as the education and training of these employees. If Opening Lines relies upon the staff of the facilities where abortions are performed to perform these services, please explain to the Committee the training and education of these employees.
7. Does Opening Lines request that the abortion facilities that allow it access to human fetal tissue use certain abortion methods, procedures, or chemicals in order to facilitate the provision of such tissue by Opening Lines to the research community? If Opening Lines does not request that specific abortion methods be used or altered, does Opening Lines seek arrangements with facilities that employ specific abortion procedures in order to facilitate its provision of fetal tissue to its customers?
8. To whom does Opening Lines provide human fetal tissue? Does Opening Lines sell to independent researchers, university researchers, or both? Please provide the Committee with the names and addresses of Opening Lines' present and past customers of human fetal tissue, as well as copies of the contracts entered into between Opening Lines and these purchasers of human fetal tissue. If Opening Lines has entered into oral contracts with past or present purchasers of human fetal tissue, please explain for the Committee the terms of such contracts. If it is Opening Lines' contention that the transfer of funds to Opening Lines from its customers represents reimbursement for the costs associated with acquiring and providing the human fetal tissue, please provide the Committee with all records relating to the costs Opening Lines incurred to provide such tissue to such customers.
9. When researchers contact Opening Lines and request that Opening Lines provide them with human fetal tissue, how does Opening Lines verify that these researchers have a legitimate need for the tissue? What evidence must applicants provide Opening Lines in order to enable Opening Lines to determine whether the researchers and their purposes are legitimate?
10. How do researchers learn of Opening Lines' services? Does Opening Lines place advertisements in research journals, or elsewhere? How much does Opening Lines spend on advertising its services on a yearly basis?
11. Does Opening Lines require that researchers who purchase tissue from Opening Lines agree to use Opening Lines as their sole source of human fetal tissue? Does Opening Lines require that its customers list Opening Lines as its human fetal tissue resource in articles and papers published by those researchers when their papers and articles rely upon research conducted with human fetal tissue provided by Opening Lines?

Letter to Miles Jones, M.D.

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12. According to the Schedule, Opening Lines offers a 30% discount to researchers if the livers or brains they request have been "significantly fragmented." Under Federal law, prices charged for human fetal tissue are supposed to reflect the costs borne in acquiring this tissue, and it would seem only logical that it would cost more to retrieve a significantly fragmented part. Therefore, please explain to the Committee why it costs Opening Lines 30% less to acquire this type of tissue as compared to non-fragmented tissue.
13. According to the Schedule, Opening Lines offers researchers a "40% discount for single eye." Again, since prices charged for human fetal tissue are supposed to reflect costs borne in acquiring this tissue, please explain to the Committee why it costs Opening Lines 40% less to acquire a single eye than it does to acquire both eyes.
14. Of the 35 human fetal tissue types listed on the Schedule, only one product costs more than the "intact embryonic cadaver" with a gestational age of greater than eight weeks. According to the Schedule, this human fetal tissue costs \$600, while an intact embryonic cadaver with a gestational age of fewer than eight weeks costs \$400. Why is it that the intact embryonic cadaver with a gestational age of more than eight weeks costs more than gonads (\$45), eyes (\$50-75) and ears (\$50-75), when it seems that the latter tissues require greater care and processing skill to retrieve? Isn't it true that no dissecting or processing occurs when the cadaver remains intact? If so, given that Federal law only permits the recoupment of costs associated with acquiring and processing this tissue, how then can the intact cadaver cost more? Further, why does the smaller intact cadaver (gestational age less than eight weeks) cost so much less than the larger intact cadaver, given that it would appear to be more difficult to handle due to its smaller size?
15. Please explain how Opening Lines developed each of the prices listed on the Schedule, specifically delineating the cost basis underlying each such price.
16. The Schedule does not mention transportation costs. Does Opening Lines require researchers to pay the costs of shipping the tissue, or are these costs borne by Opening Lines? Please explain other charges that Opening Lines reserves the right to charge, but are nonetheless not listed on the Schedule.
17. Please state the total volume, in dollars and on a yearly basis, of funds received by Opening Lines for the provisioning of human fetal tissue since Opening Lines was established. Further, please detail the percentage of Opening Lines revenues, on a yearly basis since Opening Lines was established, for which these funds accounted. Further, please state the total volume, in dollars and on a yearly basis, of funds expended by Opening Lines for the acquiring of such tissue since Opening Lines was founded.

For purposes of responding to the above requests, the terms "records" and "relating" should be interpreted in accordance with the Attachment to this letter. Further, as it may become necessary for the Committee to interview Opening Lines' officers and employees in order to better understand Opening Lines' role in the acquiring and provisioning of human fetal tissue, I also am requesting that you make all such persons available for staff interviews, if requested.

Letter to Miles Jones, M.D.  
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I expect that you understand the seriousness of this matter and that you will comply fully and promptly with the above information requests. If you have any questions about this matter, please have your staff contact Brent Del Monte, Committee Counsel, at (202) 226-2424.

Sincerely,

A handwritten signature in black ink that reads "Tom Bliley". The signature is written in a cursive style with a prominent horizontal line above the first name.

Tom Bliley  
Chairman

Attachments

cc: The Honorable John D. Dingell, Ranking Member  
The Honorable Fred Upton, Chairman  
Subcommittee on Oversight and Investigations  
The Honorable Ron Klink, Ranking Member  
Subcommittee on Oversight and Investigations  
The Honorable Michael Bilirakis, Chairman  
Subcommittee on Health and Environment  
The Honorable Sherrod Brown, Ranking Member  
Subcommittee on Health and Environment



**ATTACHMENT**

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

ONE HUNDRED SIXTH CONGRESS

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JAMES STRAHAN, CHIEF OF STAFF

U.S. House of Representatives  
 Committee on Commerce  
 Room 2125, Rayburn House Office Building  
 Washington, DC 20515-6115  
 February 16, 2000

Miles Jones, M.D.  
 1704 S.E. 11th Avenue  
 Lees Summit, MO 64081

Dear Dr. Jones:

I wrote you on January 31, 2000 seeking information about Opening Lines' involvement in acquiring human fetal tissue from elective abortions from facilities where abortions are performed, and then providing this tissue to researchers for a fee. In the letter I sent, I requested that you respond to my inquiries no later than February 14, 2000, a date which has now passed. Further, my Committee staff have continued to leave messages for you at your last known residence in Lees Summit, Missouri, at Physicians Laboratory Service, Inc. in Clayton, Georgia, and on your voice pager, yet you have failed to respond to these repeated inquiries. Committee staff have been informed that you received my letter and the messages left for you at Physicians Laboratory Services, Inc.

Subsequent to the Committee's January 31, 2000 correspondence, I had the opportunity to view an undercover, hidden camera interview wherein you explained Opening Lines' business to a "20/20" correspondent posing as a potential investor. I was shocked by what I heard you say on the videotape. In watching this interview, I heard you describe how Opening Lines prices human fetal tissue intended for Opening Lines' customers. I am quite concerned with the tenor of the comments I heard, because it was apparent to me that Opening Lines' prices are based upon what the market will bear, not upon recoupment of the costs incurred by Opening Lines in acquiring this tissue and then providing it to customers.

Your comments during this interview raise more questions about whether Opening Lines is violating Federal law. As I wrote to you previously, it is a crime to "knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce." 42 U.S.C. § 289g-2(a). The statute contemplates that only the provider can recover reasonable fees for the costs borne in the provisioning of human fetal tissue, 42 U.S.C. § 289g-2(d)(3), yet in the interview I watched, you indicated that you set your fees on what the market will pay and not based on your costs.

Letter to Miles Jones, M.D.

Page 2

Accordingly, pursuant to Rules X and XI of the United States House of Representatives, I am again requesting that you provide responses to the Committee's previous letter no later than February 21, 2000, and that you contact the Committee immediately so that the Committee staff may have an opportunity to interview you. Should you continue to ignore Committee inquiries, I will be forced to consider the issuance of a subpoena compelling you to provide the Committee with the requested information and compelling you to attend any Committee hearing which may become necessary. If you have any questions about this request, please contact Brent Del Monte, Committee Counsel, at (202) 226-2424.

Sincerely,

  
Tom Bliley  
Chairman

cc: The Honorable John D. Dingell, Ranking Member  
The Honorable Michael Bilirakis, Chairman, Subcommittee on Health and Environment  
The Honorable Sherrod Brown, Ranking Member, Subcommittee on Oversight and Investigations  
The Honorable Fred Upton, Chairman, Subcommittee on Oversight and Investigations  
The Honorable Ron Klink, Ranking Member, Subcommittee on Oversight and Investigations

EXHIBIT D

Subpena to Testify (Hearing)

**By Authority of the House of Representatives of the  
Congress of the United States of America**

To Miles Jones, M.D.

You are hereby commanded to be and appear before the Sub Committee on Health and Environment, Committee on Commerce of the House of Representatives of the United States, of which the Hon. Michael Bilirakis is chairman, in Room 2322 of the Ravburn House Building \_\_\_\_\_, in the city of Washington, on March 9, 2000, at the hour of 2:00 p.m., then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To the U.S. Marshal or any Staff Member of the Committee on Commerce to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29 day of February, ~~19~~2000

Tom Bliley  
Chairman.

Attest:

Jeff Tronzo  
Clerk.

Subpoena for Miles Jones, M.D.

before the Committee on the Commerce,  
Subcommittee on Health and Environment

Served 3/1/80 at  
Belleveille Memorial Hospital  
4500 Memorial Drive Belleveille, Mo. Ill.

Served on Miles Jones MD  
by John Andrews Deputy, U.S Marshal (618-482-9088)

John S. [Signature]  
House of Representatives

EXHIBIT E

Bill no.	<i>Contempt Res</i>
Amendment no.	
Date offered:	<i>3/9/00</i>
Disposition:	<i>Adopted</i>

**A RESOLUTION**  
Offered by Mr. BLILEY of Virginia

*27-P*

*Resolved:* That the Subcommittee on Health and Environment, conducting an investigation pursuant to the authority granted by Rules X and XI of the Rules of the House of Representatives—

(1) finds that Dr. Miles Jones was served on March 1, 2000 with a duly authorized subpoena to appear before the Subcommittee in Washington, D.C. on March 9, 2000 at 2:00 p.m.;

(2) finds Dr. Miles Jones in contempt for contumacious failure to comply with the subpoena to testify before the Subcommittee on March 9, 2000 at 2:00 p.m.; and,

(3) directs the Chairman of the Subcommittee on Health and Environment to report such findings to the Committee on Commerce for such action as that Committee deems appropriate.

EXHIBIT F

Bill no.:	<i>Contempt Report</i>
Amendment no.:	
Date offered:	<i>3/15/00</i>
Disposition:	<i>adopted</i>
	<i>roll call 34-2</i>

**A MOTION**

Offered by Mr. BILIRAKIS of Florida

Mr. BILIRAKIS of Florida moves that the Committee on Commerce —

(1) adopt the Report of the Committee on Commerce on the Congressional Proceedings Against Dr. Miles Jones for Failure to Appear Pursuant to a Duly Authorized Subpoena;

(2) authorize the Committee staff to make changes to the report to reflect the actions of the Committee, and to make technical and conforming changes; and,

(3) direct the Chairman of the Committee to file the report with the House and take such actions as may be necessary to bring the report before the House for its consideration.