

not go through the committee allowing us the opportunity to strike this provision. Sunsetting the bill is simply bad policy. There is no serious medical or public health argument that it would enhance the health of American children to repeal this law in 5 years. Certainly no one makes the argument that the rules regarding testing of drugs in adults need to be reassessed every 5 years.

Since the sunset provision is not based on improving the public health, why is it in the bill? I have been told that the law giving companies financial incentives for conducting pediatric studies sunsets every 5 years, so this bill should too. But the financial incentives bill raises very different concerns. Those incentives extend drug company monopolies on popular drugs, which in turn raises the price of those drugs for all Americans.

The Congress has an obligation to reassess the size of the incentives periodically to make sure that the cost in higher drug prices is worth the benefit being gained.

There is no similar reason to reassess the Pediatric Rule, and I am very concerned that by sunsetting the two bills together, the Congress will be put in a position where reauthorization of the Pediatric Rule is held hostage to reauthorization of the incentives.

The fact that we have been denied the opportunity to strike the sunset is unfortunate. Similarly, I regret that the gentleman from Michigan (Mr. STUPAK) was denied the opportunity to offer his amendment which addresses an extremely serious issue. I strongly support his amendment and would have liked to have voted for it in committee.

Nevertheless, despite my concern with the process, I will vote for this bill. It is urgent that we pass this legislation as quickly as possible. Every day that we do not act to put the Pediatric Rule back into effect, we run an additional risk that the health of American children will be compromised.

For more than 40 years, the Food and Drug Act has offered a guarantee to adult Americans that their drugs will be safe and effective. It is time we assured our children of the same guarantee.

This bill will also assure that all contact lens care products will be regulated as device accessories.

Mr. DINGELL. Mr. Speaker, I support S. 650, the "Pediatric Research Equity Act of 2003." This bill will make clear that the Food and Drug Administration (FDA) has the authority to require testing for drugs that are administered to children in appropriate cases. This legislation will effectively moot pending litigation. Last year, a Federal district court held that FDA lacked statutory authority to promulgate the pediatric rule. While appeals are pending, this bill will provide a speedy and certain resolution of that question.

Mr. Speaker, I do want to express my concerns with a provision in this bill which sunsets FDA's authority on October 1, 2007. Why on earth should a regulatory authority to protect

the health of children be time limited? There are reasons, none of them good. This date just happens to coincide with the expiration of a provision of existing law which provides a financially powerful incentive to drug makers to test drugs for children. Whatever the perceived merits of the incentive, it costs consumers a lot of money because it delays generic drug entry into the market for six months beyond what would normally be the case. The rule is being tied to the incentive and that, in my view, is just plain wrong.

We should have had an opportunity to debate and offer amendments to improve S. 650, but this bill is being brought to the floor without being reported or otherwise considered by the Committee on Energy and Commerce. This is an unnecessary and unwise bypass of the committee of jurisdiction. The health of America's children is too important for us to avoid careful consideration of matters that affect them. For us to merely adopt the work product of the Senate is to shirk our duty for our children. We can do better, and the fact that we did not do better is unfortunate.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 650.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2420, by the yeas and nays;  
House Resolution 427, by the yeas and nays;

House Concurrent Resolution 83, by the yeas and nays.

The first electronic vote in this series will be conducted as a 15-minute vote. The remaining votes in this series will be 5-minute votes.

#### MUTUAL FUNDS INTEGRITY AND FEE TRANSPARENCY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2420, as amended.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 2420, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 14, as follows:

Abercrombie	Deutsch	Jones (NC)
Ackerman	Diaz-Balart, L.	Jones (OH)
Aderholt	Diaz-Balart, M.	Kanjorski
Akin	Dicks	Kaptur
Alexander	Dingell	Keller
Allen	Doggett	Kelly
Baca	Dooley (CA)	Kennedy (MN)
Bachus	Doolittle	Kennedy (RI)
Baird	Doyle	Kildee
Baker	Dreier	Kilpatrick
Baldwin	Duncan	Kind
Ballance	Dunn	King (IA)
Ballenger	Edwards	King (NY)
Barrett (SC)	Ehlers	Kingston
Bartlett (MD)	Emanuel	Kirk
Barton (TX)	Emerson	Kleccka
Bass	Engel	Kline
Beauprez	English	Knollenberg
Becerra	Eshoo	Kolbe
Bell	Etheridge	Kucinich
Bereuter	Evans	LaHood
Berkley	Everett	Lampson
Berman	Farr	Langevin
Berry	Fattah	Lantos
Biggart	Feeney	Larsen (WA)
Bilirakis	Ferguson	Larson (CT)
Bishop (GA)	Filner	Latham
Bishop (UT)	Foley	LaTourette
Blackburn	Forbes	Leach
Blumenauer	Ford	Lee
Blunt	Fossella	Levin
Boehlert	Frank (MA)	Lewis (CA)
Boehner	Franks (AZ)	Lewis (GA)
Bonilla	Frelinghuysen	Lewis (KY)
Bonner	Frost	Linder
Bono	Gallegly	Lipinski
Boozman	Garrett (NJ)	LoBiondo
Boswell	Gerlach	Loftgren
Boucher	Gibbons	Lowe
Boyd	Gilchrest	Lucas (KY)
Bradley (NH)	Gillmor	Lucas (OK)
Brady (PA)	Gingrey	Lynch
Brady (TX)	Gonzalez	Majette
Brown (OH)	Goode	Maloney
Brown (SC)	Goodlatte	Manzullo
Brown, Corrine	Gordon	Markey
Brown-Waite,	Goss	Marshall
Ginny	Granger	Matheson
Burgess	Graves	Matsui
Burns	Green (TX)	McCarthy (MO)
Burr	Green (WI)	McCarthy (NY)
Burton (IN)	Greenwood	McCollum
Buyer	Grijalva	McCotter
Calvert	Gutierrez	McDermott
Camp	Gutknecht	McGovern
Cannon	Hall	McHugh
Cantor	Harman	McInnis
Capito	Harris	McIntyre
Capps	Hart	McKeon
Capuano	Hastings (FL)	McNulty
Cardin	Hastings (WA)	Meehan
Cardoza	Hayes	Meek (FL)
Carson (IN)	Hayworth	Meeks (NY)
Carson (OK)	Hefley	Menendez
Carter	Hensarling	Mica
Case	Hergert	Michaud
Castle	Hill	Millender-
Chabot	Hinchee	McDonald
Chocola	Hinojosa	Miller (FL)
Clay	Hobson	Miller (MI)
Clyburn	Hoeffel	Miller (NC)
Coble	Hoekstra	Miller, Gary
Cole	Holden	Miller, George
Cooper	Holt	Mollohan
Costello	Honda	Moore
Cox	Hoolley (OR)	Moran (KS)
Cramer	Hostettler	Moran (VA)
Crane	Houghton	Murphy
Crenshaw	Hoyer	Murtha
Crowley	Hulshof	Musgrave
Culberson	Hunter	Myrick
Cummings	Hyde	Nadler
Cunningham	Inslee	Napolitano
Davis (AL)	Israel	Neal (MA)
Davis (CA)	Issa	Nethercutt
Davis (FL)	Jackson (IL)	Neugebauer
Davis (IL)	Jackson-Lee	Ney
Davis (TN)	(TX)	Northup
Davis, Jo Ann	Janklow	Norwood
Davis, Tom	Jefferson	Nunes
Deal (GA)	Jenkins	Nussle
DeFazio	John	Oberstar
DeGette	Johnson (CT)	Obey
Delahunt	Johnson (IL)	Olver
DeLauro	Johnson, E. B.	Ortiz
DeLay	Johnson, Sam	Osborne

[Roll No. 638]

YEAS—418

Ose	Rush	Tauscher
Otter	Ryan (OH)	Tauzin
Owens	Ryan (WI)	Taylor (MS)
Oxley	Ryuan (KS)	Taylor (NC)
Pallone	Sabo	Terry
Pascrell	Sanchez, Linda	Thomas
Pastor	T.	Thompson (CA)
Payne	Sanchez, Loretta	Thompson (MS)
Pearce	Sanders	Thornberry
Pelosi	Sandlin	Tiahrt
Pence	Saxton	Tiberi
Peterson (MN)	Schakowsky	Tierney
Peterson (PA)	Schiff	Towns
Petri	Schrock	Turner (OH)
Pickering	Scott (GA)	Turner (TX)
Pitts	Scott (VA)	Udall (CO)
Platts	Sensenbrenner	Udall (NM)
Pombo	Serrano	Upton
Pomeroy	Sessions	Van Hollen
Porter	Shadegg	Velazquez
Portman	Shaw	Visclosky
Price (NC)	Shays	Vitter
Pryce (OH)	Sherman	Walden (OR)
Putnam	Sherwood	Walsh
Quinn	Shimkus	Wamp
Radanovich	Shuster	Waters
Rahall	Simmons	Watson
Ramstad	Simpson	Watt
Rangel	Skelton	Waxman
Regula	Slaughter	Weiner
Rehberg	Smith (MI)	Weldon (FL)
Renzi	Smith (NJ)	Weldon (PA)
Reyes	Smith (TX)	Weller
Reynolds	Snyder	Wexler
Rodriguez	Solis	Whitfield
Rogers (AL)	Souder	Wicker
Rogers (KY)	Spratt	Wilson (NM)
Rogers (MI)	Stark	Wilson (SC)
Rohrabacher	Stearns	Wolf
Ros-Lehtinen	Stenholm	Woolsey
Ross	Strickland	Wu
Rothman	Stupak	Wynn
Roybal-Allard	Sweeney	Young (AK)
Royce	Tancredo	Young (FL)
Ruppersberger	Tanner	

NAYS—2

Flake

Paul

NOT VOTING—14

Andrews	DeMint	McCrery
Bishop (NY)	Fletcher	Smith (WA)
Collins	Gephardt	Sullivan
Conyers	Isakson	Toomey
Cubin	Istook	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1620

Mr. GILLMOR changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

EXPRESSING SENSE OF HOUSE REGARDING COURAGEOUS LEADERSHIP OF UNIFIED BUDDHIST CHURCH OF VIETNAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 427, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 427, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 13, not voting 12, as follows:

[Roll No. 639]

YEAS—409

Abercrombie	Culberson	Hinchey
Ackerman	Cummings	Hinojosa
Aderholt	Cunningham	Hobson
Akin	Davis (AL)	Hoefel
Alexander	Davis (CA)	Hoekstra
Allen	Davis (FL)	Holden
Baca	Davis (IL)	Holt
Bachus	Davis (TN)	Honda
Baird	Davis, Jo Ann	Hooley (OR)
Baldwin	Davis, Tom	Hostettler
Ballance	Deal (GA)	Houghton
Ballenger	DeFazio	Hoyer
Barrett (SC)	DeGette	Hulshof
Barton (TX)	Delahunt	Hunter
Bass	DeLauro	Hyde
Beauprez	DeLay	Inslée
Becerra	Deutsch	Israel
Bell	Diaz-Balart, L.	Issa
Bereuter	Diaz-Balart, M.	Istook
Berkley	Dicks	Jackson (IL)
Berman	Dingell	Jackson-Lee
Berry	Doggett	(TX)
Biggert	Dooley (CA)	Janklow
Bilirakis	Doolittle	Jefferson
Bishop (GA)	Doyle	Jenkins
Bishop (UT)	Dreier	John
Blackburn	Duncan	Johnson (CT)
Blumenauer	Dunn	Johnson (IL)
Blunt	Edwards	Johnson, E. B.
Boehlert	Ehlers	Jones (NC)
Boehner	Emanuel	Jones (OH)
Bonilla	Emerson	Kanjorski
Bonner	Engel	Kaptur
Bono	English	Keller
Boozman	Eshoo	Kelly
Boswell	Etheridge	Kennedy (MN)
Boucher	Farr	Kennedy (RI)
Boyd	Fattah	Kildee
Bradley (NH)	Feeney	Kilpatrick
Brady (PA)	Ferguson	Kind
Brady (TX)	Filner	King (IA)
Brown (OH)	Flake	King (NY)
Brown (SC)	Foley	Kingston
Brown, Corrine	Forbes	Kirk
Brown-Waite,	Ford	Kleczka
Ginny	Fossella	Kline
Burgess	Frank (MA)	Knollenberg
Burns	Franks (AZ)	Kolbe
Burr	Frelinghuysen	Kucinich
Burton (IN)	Frost	LaHood
Buyer	Gallagher	Lampson
Calvert	Garrett (NJ)	Langevin
Camp	Gerlach	Lantos
Cannon	Gibbons	Larsen (WA)
Cantor	Gilchrest	Larson (CT)
Capito	Gillmor	Latham
Capps	Gingrey	LaTourrette
Capuano	Gonzalez	Leach
Cardin	Goode	Lee
Cardoza	Goodlatte	Levin
Carson (IN)	Goss	Lewis (CA)
Carson (OK)	Granger	Lewis (GA)
Carter	Graves	Lewis (KY)
Case	Green (TX)	Linder
Castle	Green (WI)	Lipinski
Chabot	Greenwood	LoBiondo
Chocola	Crijalva	Lofgren
Clay	Gutierrez	Lowey
Clyburn	Hall	Lucas (KY)
Coble	Harman	Lucas (OK)
Cole	Harris	Lynch
Conyers	Hart	Majette
Cooper	Hastings (WA)	Maloney
Costello	Hayes	Manzullo
Cox	Hayworth	Markey
Cramer	Hefley	Marshall
Crane	Hensarling	Matheson
Crenshaw	Hergert	Matsui
Crowley	Hill	McCarthy (MO)

McCarthy (NY)	Pickering	Smith (NJ)
McCollum	Pitts	Smith (TX)
McCotter	Platts	Snyder
McCrery	Pombo	Solis
McGovern	Pomeroy	Souder
McHugh	Porter	Spratt
McInnis	Portman	Stark
McIntyre	Price (NC)	Stearns
McKeon	Pryce (OH)	Stenholm
McNulty	Putnam	Strickland
Meehan	Quinn	Stupak
Meek (FL)	Radanovich	Sweeney
Meeks (NY)	Rahall	Tancredo
Menendez	Ramstad	Tanner
Mica	Rangel	Tauscher
Michaud	Regula	Tauzin
Millender-	Rehberg	Taylor (MS)
McDonald	Renzi	Taylor (NC)
Miller (FL)	Reyes	Terry
Miller (MI)	Reynolds	Thomas
Miller (NC)	Rodriguez	Thompson (CA)
Miller, Gary	Rogers (AL)	Thompson (MS)
Miller, George	Rogers (KY)	Thornberry
Mollohan	Rogers (MI)	Tiahrt
Moore	Rohrabacher	Tiberi
Moran (KS)	Ros-Lehtinen	Tierney
Moran (VA)	Ross	Towns
Murphy	Rothman	Turner (OH)
Murtha	Roybal-Allard	Turner (TX)
Musgrave	Royce	Udall (CO)
Myrick	Ruppersberger	Udall (NM)
Nadler	Rush	Upton
Napolitano	Ryan (OH)	Van Hollen
Neal (MA)	Ryan (WI)	Velazquez
Nethercutt	Ryuan (KS)	Visclosky
Ney	Sabo	Vitter
Northup	Sanchez, Linda	Walden (OR)
Norwood	T.	Walsh
Nunes	Sanchez, Loretta	Wamp
Nussle	Sanders	Waters
Oberstar	Sandlin	Watson
Obey	Saxton	Watt
Olver	Schakowsky	Waxman
Ortiz	Schiff	Weiner
Osborne	Schrock	Weldon (FL)
Ose	Scott (GA)	Weldon (PA)
Otter	Scott (VA)	Weller
Owens	Sensenbrenner	Wexler
Oxley	Serrano	Whitfield
Pallone	Shadegg	Wicker
Pascrell	Shaw	Wilson (NM)
Pastor	Shays	Wilson (SC)
Payne	Sherman	Wolf
Pearce	Sherwood	Woolsey
Pelosi	Shimkus	Wu
Pence	Shuster	Wynn
Peterson (MN)	Simpson	Young (AK)
Peterson (PA)	Skelton	Young (FL)
Petri	Smith (MI)	

NAYS—13

Bartlett (MD)	Hastings (FL)	Sessions
Evans	Johnson, Sam	Simmons
Everett	McDermott	Slaughter
Gordon	Neugebauer	
Gutknecht	Paul	

NOT VOTING—12

Andrews	Cubin	Isakson
Baker	DeMint	Smith (WA)
Bishop (NY)	Fletcher	Sullivan
Collins	Gephardt	Toomey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1630

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING VICTIMS OF CAMBODIAN GENOCIDE THAT TOOK PLACE FROM APRIL 1975 TO JANUARY 1979

The SPEAKER pro tempore (Mr. SWEENEY). The pending business is the