

AMENDMENT NO.

Calendar No.

Purpose: To insert provisions related to conflicts of interest among members of advisory panels of the Food and Drug Administration.

IN THE SENATE OF THE UNITED STATES—109th Cong., 1st Sess.

**H. R. 2744**

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 173, after line 24, insert the following:
- 2 SEC. 7 .(a) Subject to subsection (b), none of
- 3 the funds made available in this Act may be used to—
- 4 (1) grant a waiver of a financial conflict of in-
- 5 terest requirement pursuant to section 505(n)(4) of
- 6 the Federal Food, Drug, and Cosmetic Act (21
- 7 U.S.C. 355(n)(4)) for any voting member of an advi-
- 8 sory committee or panel of the Food and Drug Ad-
- 9 ministration; or

1           (2) make a certification under section 208(b)(3)  
2 of title 18, United States Code, for any such voting  
3 member.

4           (b) Subsection (a) shall not apply to a waiver or cer-  
5 tification if—

6           (1) not later than 15 days prior to a meeting  
7 of an advisory committee or panel to which such  
8 waiver or certification applies, the Secretary of  
9 Health and Human Services discloses on the Inter-  
10 net website of the Food and Drug Administration—

11           (A) the nature of the conflict of interest at  
12 issue; and

13           (B) the nature and basis of such waiver or  
14 certification (other than information exempted  
15 from disclosure under section 552 of title 5,  
16 United States Code (popularly known as the  
17 Freedom of Information Act)); or

18           (2) in the case of a conflict of interest that be-  
19 comes known to the Secretary less than 15 days  
20 prior to a meeting to which such waiver or certifi-  
21 cation applies, the Secretary shall make such public  
22 disclosure as soon as possible thereafter, but in no  
23 event later than the date of such meeting.

24           (c) None of the funds made available in this Act may  
25 be used to make a new appointment to an advisory com-

1 mittee or panel of the Food and Drug Administration un-  
2 less the Commissioner of Food and Drugs submits a con-  
3 fidential report to the Inspector General of the Depart-  
4 ment of Health and Human Services of the efforts made  
5 to identify qualified persons for such appointment with  
6 minimal or no potential conflicts of interest.