

Whole, resumed the chair; and after some time spent therein,

34.8 RECORDED VOTE

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

Strike section 401 (page 34, lines 2 through 19) and insert the following:

SEC. 401. JUDICIAL REVIEW.

Nothing in this Act creates any right to judicial or administrative review, nor creates any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. If an agency action is subject to judicial or administrative review under any other provision of law, the adequacy of any certification or other document prepared pursuant to this Act, and any alleged failure to comply with this Act, may not be used as grounds for affecting on invalidating such agency action, but statements and information prepared pursuant to this title which are otherwise part of the record may be considered as part of the record for the judicial or administrative review conducted under such other provision of law.

Strike section 202(b)(2) (page 29, line 24 through page 30, line 6) relating to substantial evidence and strike "(1) IN GENERAL.—" in section 202(b) (page 29, line 18).

It was decided in the Yeas 192 negative 231

34.9 [Roll No. 177] AYES—192

Table listing names of members who voted 'AYES' for section 34.9, including Abercrombie, Ackerman, Baldacci, Barcia, Barrett (WI), Becerra, Beilenson, Bentsen, Bereuter, Berman, Bishop, Blute, Boehlert, Bonior, Borski, Boucher, Brown (CA), Brown (FL), Brown (OH), Bryant (TX), Cardin, Castle, Clay, Clayton, Clement, Clyburn, Coleman, Collins (IL), Collins (MI), Conyers, Costello, Coyne, Danner, Davis, de la Garza, DeFazio, DeLauro, Dellums, Deutsch, Dicks, Dingell, Dixon, Doggett, Doyle, Durbin, Engel, Eshoo, Evans, Farr, Fattah, Fazio, Fields (LA), Filner, Flaker, Foglietta, Ford, Frank (MA), Frost, Furse, Gejdenson, Gephardt, Meehan, Meek, Menendez, Mfume, Mineta, Minge, Mink, Moakley, Mollohan, Moran, Morella, Murtha, Nadler, Neal, Oberstar, Obey, Olver, Orton, Owens, Pallone, Pastore, Payne (NJ), Payne (VA), Pelosi, Peterson (FL), Peterson (MN), Pomeroy, Porter, Poshard, Rahall, Ramstad, Rangel, Reed, Reynolds, Richardson, Rivers, Roemer, Rose, Roukema, Roybal-Allard, Sabo, Sanders, Sawyer, Saxton, Martinez, Mascara, Matsui, McCarthy, McDermott, McHale, McKinney, McNulty, Meehan, Meek, Menendez, Mfume, Mineta, Minge, Mink, Moakley, Mollohan, Moran, Morella, Murtha, Nadler, Neal, Oberstar, Obey, Olver, Orton, Owens, Pallone, Pastore, Payne (NJ), Payne (VA), Pelosi, Peterson (FL), Peterson (MN), Pomeroy, Porter, Poshard, Rahall, Ramstad, Rangel, Reed, Reynolds, Richardson, Rivers, Roemer, Rose, Roukema, Roybal-Allard, Sabo, Sanders, Sawyer, Saxton.

Table listing names of members who did not vote for section 34.8, including Schroeder, Schumer, Scott, Serrano, Shays, Skaggs, Slaughter, Spratt, Stark, Stokes, Studts, Stupak, Tanner, Taylor (MS), Thompson, Thornton, Thurman, Torkildsen, Torres, Torricelli, Towns, Traficant, Tucker, Vento.

NOES—231

Table listing names of members who voted 'NOES' for section 34.8, including Allard, Andrews, Archer, Arney, Bachus, Baesler, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bevil, Bilbray, Bilirakis, Bliley, Boehner, Bonilla, Bono, Brewster, Browder, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Chabot, Chambliss, Chapman, Christensen, Chrysler, Clinger, Coble, Coburn, Collins (GA), Combust, Condit, Cooley, Cox, Cramer, Crane, Cramo, Crepeans, Cubin, Cunningham, Deal, DeLay, Diaz-Balart, Dickey, Dooley, Doolittle, Dornan, Dreier, Dunn, Edwards, Ehlers, Ehrlich, Emerson, English, Ensign, Everett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gillmor, Goodlatte, Goodling, Goss, Greenwood, Gunderson, Gutknecht, Hamilton, Hancock, Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Heineman, Henger, Hilleary, Hobson, Hoekstra, Hoke, Horn, Hostettler, Houghton, Hutchinson, Hyde, Inglis, Istook, Jacobs, Johnson, Sam, Jones, Kasich, Kelly, Kim, King, Kingston, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Laughlin, Lazio, Lewis (CA), Lewis (KY), Lightfoot, Linder, Livingston, LoBiondo, Longley, Lucas, Manzullo, Martini, McCollum, McCrery, McDade, McHugh, McInnis, McIntosh, McKeon, Metcalf, Meyers, Mica, Miller (FL), Molinari, Montgomery, Moorhead, Myers, Myrick, Nethercutt, Neumann, Ney, Norwood, Nussle, Ortiz, Oxley, Packard, Parker, Paxon, Petri, Pickett, Pombo, Portman, Pryce, Quillen, Quinn, Radanovich, Regula, Riggs, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Royce, Salmon, Sanford, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shuster, Sisisky, Skeen, Skelton, Smith (MI), Smith (NJ), Smith (TX), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Stump, Talent, Tate, Tauzin, Taylor (NC), Tejada, Thomas, Thornberry, Tiahrt, Upton, Vucanovich, Waldholtz, Walker, Walsh, Wamp, Watts (OK), Weldon (FL), Weller, White, Whitfield, Wicker, Wilson, Wolf, Young (AK), Young (FL), Zeliff, Zimmer.

NOT VOTING—11

Table listing names of members who did not vote, including Chenoweth, Duncan, Gonzalez, Graham, Hunter, Lipinski, Miller (CA), Rush, Smith (WA), Velazquez, Ward.

So the amendment was not agreed to. After some further time,

34.10 RECORDED VOTE

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

Page 31, strike line 23 and all that follows down through line 5 on page 32 (all of section 301(a)(3)) and insert:

(3) shall exclude peer reviewers who are associated with entities that may have a financial or other interest in the outcome unless such interest is disclosed to the agency and the agency has determined that such interest will not reasonably be expected to create a bias in favor of obtaining an outcome that is consistent with such interest.

It was decided in the Yeas 177 negative 247

34.11 [Roll No. 178] AYES—177

Table listing names of members who voted 'AYES' for section 34.11, including Abercrombie, Ackerman, Andrews, Baesler, Baldacci, Barcia, Barrett (WI), Becerra, Beilenson, Bentsen, Berman, Bevill, Bishop, Boehlert, Bonior, Borski, Boucher, Brown (CA), Brown (FL), Brown (OH), Bryant (TX), Cardin, Chapman, Kaptur, Clay, Clayton, Clyburn, Coleman, Collins (IL), Collins (MI), Conyers, Costello, Coyne, Danner, de la Garza, DeFazio, DeLauro, Dellums, Deutsch, Dicks, Dingell, Dixon, Doggett, Doyle, Durbin, Edwards, Engel, Eshoo, Evans, Farr, Fattah, Fazio, Fields (LA), Filner, Flake, Foglietta, Ford, Frank (MA), Franks (NJ), Frost, Furse, Gejdenson, Gephardt, Gibbons, Gordon, Green, Hall (OH), Hall (TX), Hamilton, Hastings (FL), Hefner, Hilliard, Hinchey, Holden, Hoyer, Jackson-Lee, Jacobs, Jefferson, Johnson (SD), Johnson, E. B., Johnston, Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennedy, Kildee, Kleczka, Klink, LaFalce, LaTourette, Levin, Lewis (GA), Lincoln, Lofgren, Lowey, Luther, Maloney, Manton, Marky, Nadler, Neal, Ney, Oberstar, Obey, Olver, Owens, Pallone, Pastor, Payne (NJ), Pelosi, Pomeroy, Poshard, Rahall, Reed, Reynolds, Richardson, Rivers, Roemer, Rose, Roybal-Allard, Sabo, Sanders, Sawyer, Schumer, Scott, Serrano, Shays, Skaggs, Slaughter, Stark, Stokes, Studts, Stupak, Tanner, Taylor (MS), Tejada, Thompson, Thornton, Torres, Torricelli, Towns, Traficant, Tucker, Velazquez, Vento, Visclosky, Volkmer, Waters, Watt (NC), Waxman, Williams, Wise, Woolsey, Wyden, Wynn, Yates.

NOES—247

Table listing names of members who voted 'NOES' for section 34.11, including Allard, Archer, Arney, Bachus, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blute, Boehner, Bonilla, Bono, Brewster, Browder, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Castle, Chabot, Chambliss, Chenoweth, Christensen.

| | | |
|---------------|---------------|---------------|
| Chrysler | Hobson | Portman |
| Clement | Hoekstra | Pryce |
| Clinger | Hoke | Quillen |
| Coble | Horn | Quinn |
| Coburn | Hostettler | Radanovich |
| Collins (GA) | Houghton | Ramstad |
| Combest | Hutchinson | Regula |
| Condit | Hyde | Riggs |
| Cooley | Inglis | Roberts |
| Cox | Istook | Rogers |
| Cramer | Johnson (CT) | Rohrabacher |
| Crane | Johnson, Sam | Ros-Lehtinen |
| Crapo | Jones | Roth |
| Creameans | Kasich | Roukema |
| Cubin | Kelly | Royce |
| Cunningham | Kim | Salmon |
| Davis | King | Sanford |
| Deal | Kingston | Saxton |
| DeLay | Klug | Scarborough |
| Diaz-Balart | Knollenberg | Schaefer |
| Dickey | Kolbe | Schiff |
| Dooley | LaHood | Seastrand |
| Doolittle | Largent | Sensenbrenner |
| Dornan | Latham | Shadegg |
| Dreier | Laughlin | Shaw |
| Duncan | Lazio | Shuster |
| Dunn | Leach | Sisisky |
| Ehlers | Lewis (CA) | Skeen |
| Ehrlich | Lewis (KY) | Skelton |
| Emerson | Lightfoot | Smith (MI) |
| English | Linder | Smith (NJ) |
| Ensign | Livingston | Smith (TX) |
| Everett | LoBiondo | Smith (WA) |
| Ewing | Longley | Solomon |
| Fawell | Lucas | Souder |
| Fields (TX) | Manzullo | Spence |
| Flanagan | Martini | Spratt |
| Foley | McCollum | Stearns |
| Forbes | McCrery | Stenholm |
| Fowler | McDade | Stockman |
| Fox | McHugh | Stump |
| Franks (CT) | McInnis | Talent |
| Frelinghuysen | McIntosh | Tate |
| Frisa | McKeon | Tauzin |
| Funderburk | Metcalf | Taylor (NC) |
| Galleghy | Meyers | Thomas |
| Ganske | Mica | Thornberry |
| Gekas | Miller (FL) | Thurman |
| Geren | Molinari | Tiahrt |
| Gilchrist | Moorhead | Torkildsen |
| Gillmor | Moran | Upton |
| Gilman | Myers | Waldholtz |
| Goodlatte | Myrick | Walker |
| Goodling | Nethercutt | Walsh |
| Goss | Neumann | Wamp |
| Graham | Norwood | Watts (OK) |
| Greenwood | Nussle | Weldon (FL) |
| Gunderson | Ortiz | Weldon (PA) |
| Gutknecht | Orton | Weller |
| Hancock | Oxley | White |
| Hansen | Packard | Whitfield |
| Harman | Parker | Wicker |
| Hastert | Paxon | Wilson |
| Hastings (WA) | Payne (VA) | Wolf |
| Hayes | Peterson (FL) | Young (AK) |
| Hayworth | Peterson (MN) | Young (FL) |
| Hefley | Petri | Zeliff |
| Heineman | Pickett | Zimmer |
| Hergert | Pombo | |
| Hilleary | Porter | |

NOT VOTING—10

| | | |
|-----------|-------------|------------|
| Gonzalez | Lipinski | Vucanovich |
| Gutierrez | Meek | Ward |
| Hunter | Miller (CA) | |
| Lantos | Rush | |

So the amendment was not agreed to. After some further time,

¶34.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BARTON of Texas:

Page 36, after line 2, insert the following new title, redesignate title VI as title VII, and redesignate section 601 on page 36, line 4, as section 701:

TITLE VI—PETITION PROCESS

SEC. 601. PETITION PROCESS.

(2) PURPOSE.—The purpose of this section is to provide an accelerated process for the review of Federal programs designated to protect human health, safety, or the environment and to revise rules and program elements where possible to achieve substan-

tially equivalent protection of human health, safety or the environment at a substantially lower cost of compliance or in a more flexible manner.

(b) ACCELERATED PROCESS FOR CERTAIN PETITIONS.—Within 1 year after the date of enactment of this Act, the head of each Federal agency administering any program designed to protect human health, safety, or the environment shall establish accelerated procedures for accepting and considering petitions for the review of any rule or program element promulgated prior to the effective date of this Act which is part of such program, if the annual costs of compliance with such rule or program element are at least \$25,000,000.

(c) WHO MAY SUBMIT PETITIONS.—Any person who demonstrates that he or she is affected by a rule or program element referred to in subsection (b) may submit a petition under this section.

(d) CONTENTS OF PETITIONS.—Each petition submitted under this section shall include adequate supporting documentation, including, where appropriate, the following:

(1) New studies or other relevant information that provide the basis for a proposed revision of a risk assessment or risk characterization used as a basis of a rule or program element.

(2) Information documenting the costs of compliance with any rule or program element which is the subject of the petition and information demonstrating that a revision could achieve protection of human health, safety or the environment substantially equivalent to that achieved by the rule or program element concerned but at a substantially lower cost of compliance or in a manner which provides more flexibility to States, local, or tribal governments, or regulated entities. Such documentation may include information concerning investments and other actions taken by persons subject to the rule or program element in good faith to comply.

(e) DEADLINES FOR AGENCY RESPONSE.—Each agency head receiving petitions under this section shall assemble and review all such petitions received during the 6-month period commencing upon the promulgation of procedures under subsection (b) and during 15 successive 6-month periods thereafter. Not later than 180 days after the expiration of each such review period, the agency head shall complete the review of such petitions, make a determination under subsection (f) to accept or to reject each such petition, and establish a schedule and priorities for taking final action under subsection (g) with respect to each accepted petition. For petitions accepted for consideration under this section, the schedule shall provide for final action under subsection (g) within 18 months after the expiration of each such 180-day period and may provide for consolidation of reasonably related petitions. The schedule and priorities shall be based on the potential to more efficiently focus national economic resources within Federal regulatory programs designed to protect human health, safety, or the environment on the most important priorities and on such other factors as such Federal agency considers appropriate.

(f) CRITERIA FOR ACCEPTANCE OF PETITIONS.

(1) IN GENERAL.—An agency head shall accept a petition for consideration under this section if the petition meets the applicable requirements of subsections (b), (c), and (d) and if there is a reasonable likelihood that the revision requested in the petition would achieve protection of human health, safety or the environment substantially equivalent to that achieved by the rule or program element concerned but a substantially lower cost of compliance or in a manner which provides more flexibility to States, local, or tribal governments, or regulated entities.

(2) FINAL AGENCY ACTION.—If the agency head rejects the petition, the agency head shall publish the reasons for doing so in the Federal Register. Any petition rejected for consideration under this section may be considered by the agency under any other applicable procedures, but a rejection of a petition under this section shall be considered final agency action.

(3) CONSIDERATION.—In determining whether to accept or reject a petition with respect to any rule or program element, the agency shall take into account any information provided by the petitioner concerning costs incurred in complying with the rule or program element prior to the date of the petition and the costs that could be incurred by changing the rule or program element as proposed in the petition.

(g) FINAL AGENCY ACTION.—In accordance with the schedule established under subsection (e), and after notice and opportunity for comment, the agency head shall take final action regarding petitions accepted under subsection (f) by either revising a rule or program element or determining not to make any such revision. When reviewing any final agency action under this subsection, the court shall hold unlawful and set aside the agency action if found to be unsupported by substantial evidence.

(h) OTHER PROCEDURES REMAIN AVAILABLE.—Nothing in this section shall be construed to preclude the review or revision of any risk characterization document, risk assessment document, rule or program element at any time under any other procedures.

SEC. 602. REVIEWS OF HEALTH EFFECTS VALUES.

Within 5 years after the enactment of this Act, the Administrator of the Environmental Protection Agency shall review each health or environmental effects value placed, before the effective date of title I, on the Integrated Risk Information System (IRIS) Database maintained by the Agency and revise such value to comply with the provisions of title I.

SEC. 603. DEFINITIONS.

As used in this title:

(1) The term "Federal agency" has the same meaning as when used in section 110.

(2) The terms "rule" and "program element" shall include reasonably related provisions of the Code of Federal Regulations and any guidance, including protocols of general applicability establishing policy regarding risk assessment or risk characterization, but shall not include any permit or license or any regulation or other action by an agency to authorize or approve any individual substance or product.

It was decided in the

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| negative | Yees | 206 |
| | | Nays |

¶34.13

[Roll No. 179]

AYES—206

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|--------------|--------------|------------|
| Allard | Brownback | Costello |
| Archer | Bryant (TN) | Cox |
| Armey | Bunn | Cramer |
| Bachus | Burr | Crane |
| Baesler | Burton | Crapo |
| Baker (CA) | Buyer | Creameans |
| Baker (LA) | Callahan | Cubin |
| Ballenger | Calvert | Cunningham |
| Barcia | Camp | Deal |
| Barr | Canady | DeLay |
| Barrett (NE) | Chabot | Dickey |
| Barton | Chambliss | Dicks |
| Bass | Chapman | Dooley |
| Bevill | Chenoweth | Doolittle |
| Bilbray | Christensen | Dornan |
| Bilirakis | Chrysler | Dreier |
| Bishop | Clement | Duncan |
| Bliley | Coble | Dunn |
| Boehner | Coburn | Edwards |
| Bonilla | Collins (GA) | Ehrlich |
| Bono | Combest | Emerson |
| Brewster | Condit | Ensign |
| Browder | Cooley | Everett |