

Ewing
Fields (TX)
Flanagan
Forbes
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Geren
Gillmor
Goodlatte
Goodling
Gordon
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Klecza
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Mollohan
Montgomery
Myers
Myrick
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Pombo
Poshard
Pryce
Quillen
Quinn
Radanovich
Riggs
Rogers
Rohrabacher
Rose

NOES—220

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrist
Gilman
Goss
Green
Greenwood
Gunderson
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchev
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowe
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Miller (FL)
Minge
Morella
Murtha
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri

Pomeroy
Porter
Portman
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Ros-Lehtinen
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Torkildsen
Torres
Torrice
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—8

Gonzalez
Gutierrez
Hunter
Lipinski
Miller (CA)
Pickett
Rush
Ward

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

34.14 RECORDED VOTE

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

Page 29, strike line 18 and all that follows through line 6 on page 30, and insert in lieu thereof the following:

(1) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to modify any statutory standard or requirement or to alter any statutory or judicial deadline. No failure or inability of an agency to make the certifications required under this section shall be construed to bar an agency from acting, or to authorize an agency to fail to act, under other statutory authorities.

(2) FAILURE TO CERTIFY.—In the event that the agency head cannot make any certification required under this section, the agency head shall report to Congress that such certification cannot be made and shall include a statement of the reasons therefore in such report and publish such statement together with the final rule.

It was decided in the Yeas 181
negative Nays 238

34.15 [Roll No. 180]
AYES—181

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
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
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrist
Gilman
Gordon
Goss
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchev
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klecza
Klink
Klug
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther

Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Meyers
Mfume
Mineta
Minge
Moakley
Moran
Morella
Murtha
Schumer
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Porter
Poshard
Rahall
Ramstad
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torrice
Towns
Tucker
Velazquez
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—238

Allard
Archer
Army
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunbar
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman

Stump	Upton	White
Talent	Vucanovich	Whitfield
Tate	Waldholtz	Wicker
Tauzin	Walker	Wilson
Taylor (NC)	Walsh	Wolf
Tejeda	Wamp	Young (AK)
Thomas	Watts (OK)	Young (FL)
Thornberry	Weldon (FL)	Zeliff
Tiahrt	Weldon (PA)	
Traficant	Weller	

It was decided in the { Yeas 157
negative } Nays 263

¶34.17

[Roll No. 181]
AYES—157

NOT VOTING—15

Baesler	Hunter	Rangel
Brewster	Lipinski	Rush
Cox	Livingston	Torres
Gonzalez	Miller (CA)	Ward
Gutierrez	Mink	Williams

Abercrombie	Gephardt	Neal
Ackerman	Gibbons	Oberstar
Andrews	Gordon	Obey
Barcia	Green	Olver
Barrett (WI)	Hall (OH)	Owens
Becerra	Harman	Pallone
Beilenson	Hastings (FL)	Pastor
Bentsen	Hefner	Payne (NJ)
Berman	Hilliard	Payne (VA)
Bishop	Hinchee	Pelosi
Boniore	Holden	Peterson (FL)
Borski	Hoyer	Pomeroy
Boucher	Jackson-Lee	Rahall
Brown (CA)	Jefferson	Rangel
Brown (FL)	Johnson (SD)	Reed
Brown (OH)	Johnson, E. B.	Reynolds
Bryant (TX)	Johnston	Richardson
Cardin	Kanjorski	Rivers
Clay	Kaptur	Rose
Clayton	Kennedy (MA)	Roybal-Allard
Clement	Kennedy (RI)	Sabo
Clyburn	Kennelly	Sanders
Coleman	Kildee	Sawyer
Coleman (IL)	Klecza	Schroeder
Collins (MI)	Klink	Schumer
Conyers	LaFalce	Scott
Coyne	Lantos	Serrano
de la Garza	Levin	Skaggs
DeFazio	Lewis (GA)	Slaughter
DeLauro	Lincoln	Spratt
Dellums	Lofgren	Stark
Deutsch	Lowe	Stokes
Dicks	Luther	Studds
Dingell	Maloney	Stupak
Dixon	Manton	Tanner
Doggett	Markey	Thompson
Doyle	Mascara	Thornton
Durbin	Matsui	Torricelli
Engel	McCarthy	Traficant
Eshoo	McDermott	Tucker
Evans	McHale	Velazquez
Farr	McKinney	Vento
Fattah	McNulty	Volkmer
Fazio	Meehan	Waters
Fields (LA)	Meek	Watt (NC)
Filner	Menendez	Waxman
Flake	Mfume	Wise
Foglietta	Mineta	Woolsey
Ford	Minge	Wyden
Frank (MA)	Moakley	Wynn
Frost	Murtha	Yates
Furse	Nadler	
Gejdenson		

Hoekstra	Molinari	Shaw
Hoke	Mollohan	Shays
Horn	Montgomery	Shuster
Hostettler	Moorhead	Sisisky
Houghton	Morella	Skeen
Hutchinson	Myers	Skelton
Hyde	Myrick	Smith (MI)
Inglis	Nethercutt	Smith (NJ)
Istook	Neumann	Smith (TX)
Jacobs	Ney	Smith (WA)
Johnson (CT)	Norwood	Solomon
Johnson, Sam	Nussle	Souder
Jones	Ortiz	Spence
Kasich	Orton	Stearns
Kelly	Oxley	Stenholm
Kim	Packard	Stockman
King	Parker	Stump
Kingston	Paxon	Talent
Klug	Peterson (MN)	Tate
Knollenberg	Petri	Tauzin
Kolbe	Pickett	Taylor (MS)
LaHood	Pombo	Taylor (NC)
Largent	Porter	Tejeda
Latham	Portman	Thomas
LaTourette	Poshard	Thornberry
Laughlin	Pryce	Thurman
Lazio	Quillen	Tiahrt
Leach	Quinn	Torkildsen
Lewis (CA)	Radanovich	Towns
Lewis (KY)	Ramstad	Upton
Lightfoot	Regula	Visclosky
Linder	Riggs	Vucanovich
Livingston	Roberts	Waldholtz
LoBiondo	Roemer	Walker
Longley	Rogers	Walsh
Lucas	Rohrabacher	Wamp
Manzullo	Ros-Lehtinen	Watts (OK)
Martini	Roth	Weldon (FL)
McColum	Roukema	Weldon (PA)
McCrery	Royce	Weller
McDade	Salmon	White
McHugh	Sanford	Whitfield
McInnis	Saxton	Wicker
McIntosh	Scarborough	Wolf
McKeon	Schaefer	Young (AK)
Metcalf	Schiff	Young (FL)
Meyers	Seastrand	Zeliff
Mica	Sensenbrenner	Zimmer
Miller (FL)	Shadegg	

NOT VOTING—14

Baesler	Lipinski	Torres
Brewster	Martinez	Ward
Gonzalez	Miller (CA)	Williams
Gutierrez	Mink	Wilson
Hunter	Rush	

So the amendment to the amendment was not agreed to.

The SPEAKER pro tempore, Mr. KNOLLENBERG, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, pursuant to House Resolution 96, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 5, after line 18, insert:

(5) EMERGENCY.—As used in this Act, the term “emergency” means a situation that is immediately impending and extraordinary in nature, demanding attention due to a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property or the environment if no action is taken.

At the end of section 106 (page 18, line 25), add after the period the following:

For the purposes of this section, the term “non-United States-based entity” means—

- (1) any foreign government and its agencies;
- (2) the United Nations or any of its subsidiary organizations;
- (3) any other international governmental body or international standards-making organization; or

¶34.16 RECORDED VOTE

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

Amendment submitted by Mr. BROWN of California:

At the end of the amendment, insert the following:

Page 4, strike lines 5 through 9 (all of paragraph (1) of section 3) and insert the following and redesignate paragraphs (2) through (4) as paragraphs (3) through (5), respectively:

(1) A situation that the head of the agency considers an emergency.

(2) A situation that the head of the agency considers to be reasonably expected to cause death or serious injury or illness to humans, or substantial endangerment to private property or the environment unless prompt action is taken to avoid death or to avoid or mitigate serious injury or illness to humans, or substantial endangerment to private property or the environment.

Amendment submitted by Mr. WALKER:

Page 30, after line 23, insert:

SEC. 204. ENVIRONMENTAL CLEAN-UP

For purposes of this title, any determination by a Federal agency to approve or reject any proposed or final environmental clean-up plan for a facility the costs of which are likely to exceed \$5,000,000 shall be treated as major rule subject to the provisions of this title (other than the provisions of section 201(a)(5)). As used in this section, the term “environmental clean-up” means a corrective action under the Solid Waste Disposal Act, a remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a Federal agency with respect to any substance other than municipal waste.

Page 4, after line 18, insert the following new section and redesignate section 4 as section 5:

SEC. 4. UNFUNDED MANDATES

Nothing in this Act itself shall, without Federal funding and further Federal agency action, create any new obligation or burden on any State or local government or otherwise impose any financial burden on any State or local government in the absence of Federal funding, except with respect to routine information requests.

Page 16, beginning on line 8, after “uncertainties” add:

“Sensitive subpopulations or highly exposed subpopulations include, where relevant and appropriate, children, the elderly, pregnant women and disabled persons.”

NOES—263

Allard	Chapman	Fawell
Archer	Chenoweth	Fields (TX)
Armey	Christensen	Flanagan
Bachus	Chrysler	Foley
Baker (CA)	Clinger	Forbes
Baker (LA)	Coble	Fowler
Baldacci	Coburn	Fox
Ballenger	Collins (GA)	Franks (CT)
Barr	Combest	Franks (NJ)
Barrett (NE)	Condit	Frelinghuysen
Bartlett	Cooley	Frisa
Barton	Costello	Funderburk
Bass	Cox	Gallely
Bateman	Cramer	Ganske
Bereuter	Crane	Gekas
Bevill	Crapo	Geren
Bilbray	Creameans	Gilchrist
Bilirakis	Cubin	Gillmor
Bliley	Cunningham	Gilman
Blute	Danner	Goodlatte
Boehlert	Davis	Goodling
Boehner	Deal	Goss
Bonilla	DeLay	Graham
Bono	Diaz-Balart	Greenwood
Browder	Dickey	Gunderson
Brownback	Dooley	Gutknecht
Bryant (TN)	Doolittle	Hall (TX)
Bunn	Dornan	Hamilton
Bunning	Dreier	Hancock
Burr	Duncan	Hansen
Burton	Dunn	Hastert
Buyer	Edwards	Hastings (WA)
Callahan	Ehlers	Hayes
Calvert	Ehrlich	Hayworth
Camp	Emerson	Hefley
Canady	English	Heineman
Castle	Ensign	Henger
Chabot	Everett	Hilleary
Chambliss	Ewing	Hobson