

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, Bevilill, Bilbray, Bilirakis, Bliley, Boehner, Bonilla, Bono, Brewster, Browder, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Chabot, Chambliss, Chapman, Christensen, Chryser, 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.

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, Saxton, 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, Weldon (PA), 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.