

Scott	Stockman	Waldholtz
Seastrand	Stump	Walker
Sensenbrenner	Talent	Walsh
Shadegg	Tate	Wamp
Shaw	Tauzin	Weldon (FL)
Shays	Taylor (MS)	Weller
Shuster	Taylor (NC)	White
Skeen	Tejeda	Whitfield
Skelton	Thomas	Wicker
Smith (MI)	Thornberry	Williams
Smith (TX)	Thornton	Wilson
Smith (WA)	Thurman	Wolf
Solomon	Tiaht	Young (AK)
Spence	Torkildsen	Zeliff
Stearns	Volkmer	
Stenholm	Vucanovich	

NOT VOTING—31

Ackerman	Hancock	Peterson (FL)
Balleger	Harman	Rogers
Barton	Istook	Roukema
Bono	Johnston	Sanders
Boucher	McNulty	Schumer
Brown (FL)	Meek	Tanner
Collins (IL)	Mfume	Torres
Collins (MI)	Miller (CA)	Watts (OK)
Dunn	Moakley	Young (FL)
Fattah	Ortiz	
Frisa	Pastor	

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

¶64.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following substitute amendment submitted by Mr. LAUGHLIN for the amendment submitted by Mr. EMERSON: Amendment submitted by Mr. LAUGHLIN:

Page 213, after line 5, insert the following: SEC. 507. DISPUTE RESOLUTION.

(a) IN GENERAL.—Section 401 of the Federal Water Pollution Control Act does not apply with respect to the licensing of a hydroelectric project under Part I of the Federal Power Act if the relevant federal agency makes the determination referred to in subsection (b) in accordance with the mechanism described in subsection (c).

(b) DETERMINATION.—The determination referred to in subsection (a) is a specific determination that a denial, condition, or requirement of a certification under section 401 of the Federal Water Pollution Control Act for such a project is inconsistent with the purposes and requirements of Part I of the Federal Power Act.

(c) MECHANISM.—The dispute resolution mechanism for purposes of subsection (a) shall be a mechanism established by the relevant federal agency in consultation with the Administrator and the States, for resolving any conflicts or unreasonable consequences resulting from actions taken under section 401 by a State, an interstate water pollution control agency or the Administrator relating to the issuance of a license (or to activities under such license) for a hydroelectric project under Part I of the Federal Power Act. Such mechanism shall include, at a minimum, a process whereby: (1) the relevant federal agency, in coordination with the State, the interstate agency or the Administrator (as the case may be) may determine whether any denial, condition or requirement under section 401 of the Federal Water Pollution Control Act relating to the issuance of such license or to activities under such license is inconsistent with the purposes and requirements of Part I of the Federal Power Act; (2) such denial, condition, or requirement shall be presumed to be consistent with the purposes and requirements of Part I of the Federal Power Act if based on temperature, turbidity or other objective water quality criteria regulating discharges of pollutants; and (3) any denial, condition, or requirement not based on such

criteria shall be presumed to be consistent with the purposes and requirements of Part I of the Federal Power Act unless the relevant federal agency, after attempting to resolve any inconsistency, makes a specific determination under subsection (b) and publishes such determination together with the basis for such determination in the license or other appropriate order.

Amendment submitted by Mr. EMERSON:

Insert the following new section into H.R. 961:

SEC. FEDERAL POWER ACT PART I PROJECTS.

Section 511(a) of the Federal Water Pollution Control Act (33 U.S.C. §1371) is amended by adding after "subject to section 10 of the Act of March 3, 1899," the following, and by renumbering the remaining paragraph accordingly:

"(3) applying to hydropower projects within the jurisdiction of the Federal Energy Regulatory Commission or its successors under the authority of Part I of the Federal Power Act (16 U.S.C. §§791 et seq.);".

It was decided in the affirmative } Yeas 309 } Nays 100 }

¶64.28 [Roll No. 326] AYES—309

Allard	Cramer	Hansen
Andrews	Crane	Hastert
Archer	Crapo	Hastings (WA)
Armye	Creameans	Hayes
Bachus	Cubin	Hayworth
Baessler	Cunningham	Hefley
Baker (CA)	Danner	Hefner
Baker (LA)	Davis	Heineman
Balleger	de la Garza	Herger
Barcia	Deal	Hilleary
Barr	DeLay	Hilliard
Barrett (NE)	Diaz-Balart	Hobson
Bartlett	Dickey	Hoekstra
Bass	Dicks	Hoke
Bateman	Dingell	Holden
Bender	Doggett	Horn
Bereuter	Dooley	Hostettler
Bevill	Doolittle	Houghton
Bilbray	Dornan	Hoyer
Bilirakis	Doyle	Hunter
Bishop	Dreier	Hutchinson
Bliley	Duncan	Hyde
Blute	Edwards	Inglis
Boehlert	Ehlers	Jacobs
Boehner	Ehrlich	Johnson (SD)
Bonilla	Emerson	Johnson, E. B.
Borski	English	Johnson, Sam
Brewster	Everett	Jones
Browder	Ewing	Kanjorski
Brown (CA)	Farr	Kaptur
Brown (FL)	Fattah	Kasich
Brownback	Fawell	Kelly
Bryant (TN)	Fazio	Kennelly
Bryant (TX)	Fields (TX)	Kim
Bunn	Flanagan	King
Bunning	Foley	Kingston
Burr	Forbes	Kleczka
Burton	Fowler	Klink
Buyer	Fox	Klug
Callahan	Franks (CT)	Knollenberg
Calvert	Franks (NJ)	Kolbe
Camp	Frelinghuysen	LaFalce
Canady	Frost	LaHood
Cardin	Funderburk	Largent
Castle	Gallely	Latham
Chabot	Ganske	LaTourette
Chambless	Gekas	Laughlin
Chapman	Gephardt	Lazio
Chenoweth	Geren	Leach
Christensen	Gillmor	Lewis (CA)
Chrysler	Gilman	Lewis (KY)
Clayton	Gonzalez	Lightfoot
Clement	Goodlatte	Linder
Clinger	Goodling	LoBiondo
Clyburn	Gordon	Longley
Coble	Goss	Lucas
Coburn	Graham	Luther
Coleman	Green	Manton
Collins (GA)	Greenwood	Manzullo
Combest	Gunderson	Martinez
Condit	Gutknecht	Martini
Cooley	Hall (OH)	Mascara
Costello	Hall (TX)	Matsui
Cox	Hamilton	McCollum

McCrery	Quillen	Stearns
McDade	Quinn	Stenholm
McHale	Radanovich	Stockman
McHugh	Ramstad	Stump
McIntosh	Regula	Stupak
McKeon	Riggs	Talent
McNulty	Roberts	Tate
Metcalfe	Roemer	Tauzin
Mica	Rohrabacher	Taylor (MS)
Miller (FL)	Ros-Lehtinen	Taylor (NC)
Minge	Rose	Tejeda
Molinari	Roth	Thomas
Mollohan	Roukema	Thornberry
Montgomery	Royce	Thornton
Moorhead	Salmon	Thurman
Moran	Sanford	Tiaht
Morella	Sawyer	Torkildsen
Murtha	Saxton	Trafficant
Myers	Scarborough	Upton
Myrick	Schaefer	Visclosky
Nethercutt	Schiff	Volkmer
Neumann	Scott	Vucanovich
Ney	Seastrand	Waldholtz
Norwood	Sensenbrenner	Walker
Nussle	Shadegg	Walsh
Orton	Shaw	Wamp
Oxley	Shays	Ward
Packard	Shuster	Weldon (FL)
Parker	Siskiy	Weldon (PA)
Paxon	Skeen	Weller
Peterson (MN)	Skelton	White
Petri	Smith (MI)	Whitfield
Pickett	Smith (NJ)	Wicker
Pombo	Smith (TX)	Wilson
Pomeroy	Smith (WA)	Wise
Porter	Solomon	Wolf
Portman	Souder	Young (AK)
Poshard	Spence	Zeliff
Pryce	Spratt	Zimmer

NOES—100

Abercrombie	Hinchee	Payne (VA)
Ackerman	Jackson-Lee	Pelosi
Baldacci	Jefferson	Rahall
Barrett (WI)	Johnson (CT)	Rangel
Becerra	Johnston	Reed
Beilenson	Kennedy (MA)	Reynolds
Berman	Kennedy (RI)	Richardson
Bonior	Kildee	Rivers
Brown (OH)	Lantos	Roybal-Allard
Clay	Levin	Rush
Conyers	Lewis (GA)	Sabo
Coyne	Lincoln	Sanders
DeFazio	Lipinski	Schroeder
DeLauro	Lofgren	Serrano
Dellums	Lowey	Skaggs
Deutsch	Maloney	Slaughter
Dixon	Markey	Stokes
Durbin	McCarthy	Studds
Engel	McDermott	Thompson
Ensign	McInnis	Torricelli
Eshoo	McKinney	Towns
Evans	Meehan	Tucker
Fields (LA)	Menendez	Velazquez
Filner	Meyers	Vento
Flake	Mineta	Waters
Foglietta	Mink	Watt (NC)
Ford	Nadler	Waxman
Frank (MA)	Neal	Williams
Furse	Oberstar	Woolsey
Gejdenson	Obey	Wyden
Gibbons	Olver	Wynn
Gilchrest	Owens	Yates
Gutierrez	Pallone	
Hastings (FL)	Payne (NJ)	

NOT VOTING—25

Barton	Istook	Rogers
Bono	Livingston	Schumer
Boucher	Meek	Stark
Collins (IL)	Gallely	Tanner
Collins (MI)	Mfume	Torres
Dunn	Miller (CA)	Watts (OK)
Frisa	Moakley	Young (FL)
Hancock	Ortiz	
Harman	Pastor	
	Peterson (FL)	

So the amendment to the amendment was agreed to.

After some further time,

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

When Mr. McINNIS, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.