

## (b) DEFINITIONS.—

## (1) "just compensation"—

(A) means compensation equal to the full extent of a property owner's loss, including the fair market value of the private property taken and business losses arising from a taking, whether the taking is by physical occupation or through regulation, exaction, other means; and

(B) shall include compounded interest calculated from the date of the taking until the date the United States tenders payment;

(2) "owner" means the owner or possessor of property or rights in property at the time the taking occurs, including when—

(A) the statute, regulation, rule, order, guideline, policy, or action is passed or promulgated; or

(B) the permit, license, authorization, or governmental permission is denied or suspended;

(3) "private property" or "property" means all property protected under the fifth amendment to the Constitution of the United States, any applicable Federal or State law, or this Act, and includes—

(A) real property, whether vested or unvested, including—

(i) estates in fee, life estates, estates for years, or otherwise;

(ii) inchoate interests in real property such as remainders and future interests;

(iii) personalty that is affixed to or appurtenant to real property;

(iv) easements;

(v) leaseholds;

(vi) recorded liens; and

(vii) contracts or other security interests in, or related to, real property;

(B) the right to use water or the right to receive water, including any recorded lines on such water right;

(C) rents, issues, and profits of land, including minerals, timber, fodder, crops, oil and gas, coal, or geothermal energy;

(D) property rights provided by, or memorialized in, a contract, except that such rights shall not be construed under this title to prevent the United States from prohibiting the formation of contracts deemed to harm the public welfare or to prevent the execution of contracts for—

(i) national security reasons; or

(ii) exigencies that present immediate or reasonably foreseeable threats or injuries to life or property;

(E) any interest defined as property under State law; or

(F) any interest understood to be property based on custom, usage, common law, or mutually reinforcing understandings sufficiently well-grounded in law to back a claim of interest;

(4) "taking of private property", "taking", or "take"—

(A) means any action whereby private property is directly taken as to require compensation under the fifth amendment to the United States Constitution or under this Act, including by physical invasion, regulation, exaction, condition, or other means.

## (c) LIMITATION.—

(1) Notwithstanding any other provision of this Act, the Secretary shall take no actions related to the transportation of spent nuclear fuel or high-level radioactive waste until publishing in the Federal Register a determination that the owners of all property likely to be subject to a taking as a result of such transportation, as defined by this Act, have received just compensation for such taking out of the Nuclear Waste Fund.

(2) Notwithstanding any other provision of this Act, the Secretary shall take no actions related to the interim storage of spent nuclear fuel or high-level radioactive waste until publishing in the Federal Register a determination that the owners of all property

likely to be subject to a taking as a result of such storage, as defined by this Act, have received just compensation for such taking out of the Nuclear Waste Fund."

## AMENDMENT NO. 4661

On page 27, line 8, strike "1999" and insert "2011".

## AMENDMENT NO. 4662

At the appropriate place, add:

**"SEC. . INDEPENDENT REVIEW.**

(a) ESTABLISHMENT OF COMMISSION.

(1) IN GENERAL.—The President, in consultation with the Science Advisor to the President and the Council on Environmental Quality, shall establish a commission to be known as the "Nuclear Waste Policy Review Commission" (referred to in this act as the "Commission").

(2) REPRESENTATION OF INTEREST GROUPS.—The membership and structure of the Commission shall be determined by the President with a view towards providing representation from—

(A) Environmental groups;

(B) Consumer groups;

(C) Taxpayer groups;

(D) The scientific community, including nuclear-oriented and other fields such as biology and medicine;

(E) State and local governments;

(F) Indian tribes;

(G) Transportation experts;

(H) Management experts;

(I) Federal, state, and local regulatory agencies;

(J) Utilities; and

(K) Other affected industries.

(3) INDEPENDENT STATUS.—The Commission shall be independent of the Department of Energy and other Federal agencies.

(4) PARTICIPATION BY THE PUBLIC.—The Commission shall hold public meetings and provide full opportunities for participation by all interested parties.

(b) ISSUES TO BE CONSIDERED.

The Commission shall consider all issues related to United States policy concerning high-level, transuranic, low-level waste, and other radioactive wastes including—

(1) various options for high-level radioactive waste storage and disposal, including deep geologic disposal, on-site dry storage, monitored retrievable storage, centralized interim storage, or any other options;

(2) evaluation of the experiences of other countries in storing and disposing of radioactive waste;

(3) an analysis of funding through the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222), including fee sufficiency and strategies for providing equity for ratepayer contributions to the Nuclear Waste Fund;

(4) the siting and characterization process for nuclear waste programs currently in effect and alternatives to those programs;

(5) technical, managerial, economic, and policy analyses of the nuclear waste inventory of the United States; and

(6) an examination of the classification system for nuclear waste currently in effect, and options for reclassification.

(c) REPORT.

Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress a report on its review under this Act, including recommendations for legislative or other action.

(d) TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 6.

(e) AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act."

## AMENDMENT NO. 4663

On page 39, strike line 3 through line 8.

## AMENDMENT NO. 4664

On page 37, strike line 13 through line 24.

## AMENDMENT NO. 4665

On page 37, strike line 5 through line 12.

THE NUCLEAR WASTE POLICY ACT  
OF 1982 AMENDMENT ACT OF 1996

COCHRAN (AND LOTT)  
AMENDMENT NO. 4666

Mr. STEVENS (for Mr. COCHRAN, for himself and Mr. LOTT) proposed an amendment to the bill, S. 1894, supra; as follows:

At the end of the bill, insert:

**SEC. . LEASE TO FACILITATE CONSTRUCTION  
OF RESERVE CENTER, NAVAL AIR  
STATION, MERIDIAN, MISSISSIPPI.**

(a) LEASE OF PROPERTY FOR CONSTRUCTION OF RESERVE CENTER.—(1) The Secretary of the Navy may lease, without reimbursement, to the State of Mississippi (in this section referred to as the "State"), approximately five acres of real property located at Naval Air Station, Meridian, Mississippi, only for use by the State to construct a reserve center of approximately 22,000 square feet and ancillary supporting facilities.

(2) The term of the lease under this subsection shall expire on the same date that the lease authorized by subsection (b) expires.

(b) LEASEBACK OF RESERVE CENTER.—(1) The Secretary may lease from the State the property and improvements constructed pursuant to subsection (a) for a five-year period. The term of the lease shall begin on the date on which the improvements are available for occupancy, as determined by the Secretary.

(2) Rental payments under the lease under paragraph (1) may not exceed \$200,000 per year, and the total amount of the rental payments for the entire period may not exceed 20 percent of the total cost of constructing the reserve center and ancillary supporting facilities.

(3) Subject to the availability of appropriations for this purpose, the Secretary may use funds appropriated pursuant to an authorization of appropriations for the operation and maintenance of the Naval Reserve to make rental payments required under this subsection.

(c) EFFECT OF TERMINATION OF LEASES.—At the end of the lease term under subsection (b), the State shall convey, without reimbursement, to the United States all right, title, and interest of the State in the reserve center and ancillary supporting facilities subject to the lease.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

THE NUCLEAR WASTE POLICY ACT  
OF 1982 AMENDMENT ACT OF 1996

BRYAN AMENDMENTS NOS. 4667–  
4824

(Ordered to lie on the table.)

Mr. BRYAN submitted 158 amendments intended to be proposed by him to the bill S. 1936, supra; as follows: