Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NAYS—49

Aderholt
Baird
Bilbray
Bonior
Borski
Brady (PA)
Brown (OH)
Chenoweth-Hage
Clay
Clyburn
Costello
Coyne
Crowley
DeFazio
Filner
Gibbons
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilliard
Hinchey
Hulshof
Lewis (GA)
LoBiondo
McGovern
Miller, George
Moore
Oberstar
Peterson (MN)
Pickett
Ramstad
Rogan
Sabo
Schaffer
Stark
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—32

Ackerman
Boyd
Burton
Crane
Davis (IL)
Ewing
Fossella
Frank (MA)
Goodling
Green (WI)
Greenwood
Gutierrez
Hutchinson
Jackson-Lee (TX)
Jones (OH)
Klink
LaHood
Largent
Lowey
Lucas (OK)
Martinez
McCollum
McDermott
Pallone
Porter
Royce
Rush
Scarborough
Schakowsky
Slaughter
Tierney
Young (AK)

□ 1112

Mr. BILBRAY changed his vote from yea to nay.

So the Journal was approved.

The result of the vote was announced as above recorded.

□

## NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 444, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 444

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce; and (2) one motion to commit.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 444 would grant a closed rule for consideration in the House of the Senate bill, S. 1287, providing for the storage of spent nuclear fuel pending completion of the nuclear waste repository and for other purposes. The bill shall be considered as read for amendment.

The rule provides that the previous question shall be considered as ordered on the bill to final passage without intervening motion except 1 hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Commerce and one motion to recommit.

The Nuclear Waste Policy Act of 1982 was originally enacted on the premise that the Federal Government hold responsibility for the permanent disposal of the Nation's spent nuclear fuel and high level radioactive waste.

□ 1115

The need for subsequent legislation is based on three fundamental realities: First, the development of a permanent repository, originally scheduled to begin in 1998, but has been, unfortunately, derailed by past mismanagement and by political paralysis. Second, the nuclear waste fund financing mechanism needs some revision. And, third, the Department of Energy has requested authority to construct a Federal interim storage facility so that it can discharge its original responsibility.

S. 1287, which the House will consider today, contains a number of specific provisions which the managers of the bill will outline in considerable detail during their general debate, but the bottom line, Mr. Speaker, is that by passing this bill, which has already been passed in identical form by the Senate, the House can now move forward on an issue which has been mired in gridlock for far too long.

By passing this bill today, we will move S. 1287 to the President's desk and with one stroke of the pen we can finally stop stalling and instead begin facing up to our responsibility to the American people. Nuclear energy has long been a safe, clean and reliable means of generating electrical power that has fueled much of America's economic growth, but the nagging question about nuclear power, one that has remained unanswered for too long, is what will we do with the spent fuel that is produced at these plants all across the country?

Today, the long awaited answer to that question is before us. Simply put: This compromise, while it may not be perfect, is a responsible plan that should be implemented without further delay. Accordingly, I strongly encourage my colleagues to support not only the rule, as reported by the Committee on Rules, but the underlying bill, S. 1287, so we can finally put the public's mind to rest on this critically important issue.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary time.

This is a closed rule which will allow for consideration of the Nuclear Waste Policy Amendments Act of 1999. It is known as S. 1287. As my colleague from Washington has explained, this rule will provide for 1 hour of debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. Under this closed rule, no amendments may be offered.

The bill provides for the completion of a permanent site at Yucca Mountain, Nevada, for storing high-level radioactive waste generated from nuclear power plants. Mr. Speaker, lack of this permanent site is one of the greatest long-term problems involving electricity generation in our country and we need to move forward to find a safe, scientifically-based solution.

Unfortunately, this bill does not adequately solve the problem. Moreover, the closed rule will prevent House Members from offering amendments to improve the bill. The Energy Department opposes this bill for a number of reasons. The most serious objection is that it undermines the ability of the Environmental Protection Agency to establish adequate safety standards at Yucca Mountain.

The bill also raises concerns about the safety of transporting radioactive material to the site. The President has indicated he will veto the bill in its present form, and there is no reason for us to take up the bill under a closed rule with no chance to amend the bill when there is no chance that it will be enacted into law unless it is amended.

The problem of nuclear waste disposal is too serious for this kind of politics. I urge defeat of the rule so that we can bring this bill up under the normal amending process.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada (Mr. GIBBONS).

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I would like to, first of all, begin by thanking my colleague from Washington for the generous consideration of granting me the time to speak in opposition, and I must say strong opposition, to this closed rule.

This is, first and foremost, a matter of fairness. Nevada has not had a voice in this issue, the issue of storing nuclear waste from other facilities, which, by the way, Nevada has never benefitted from any of the power generated. Secondly, we have never had a hearing on this bill, the Senate bill 1287, and, as a result, we have not had an opportunity to have input into this. This is a 1-hour debate today without the opportunity even to offer an amendment to this rule.

The bill itself is fatally flawed. It creates an interim storage facility, Mr. Speaker, which would, in and of itself, require early shipment of nuclear waste to the State without even so much as putting a roof over the material that is going to be stored there. And there is an inadequacy in terms of the fee that is being charged to pay for the storage of that nuclear waste down the road. This is material that has a half-life of 10,000 years. And all of these nuclear facilities which are supposed to pay for this, after they are closed they will not be able to have additional funding and, therefore, the taxpayer will be required to pick up this tab.

Transportation across America is going to occur. We are going to be transporting this material through some of America's most natural wonders. We need an amendment that would have prohibited shipping it past our national conservation areas, through our parks and our national historic preservation areas as well.

This is an issue of States' rights, Mr. Speaker, one which requires a governor's consent. It is up to a governor to help protect the people of his State. This bill fails to do that. Also, Mr. Speaker, there is an issue of the fifth amendment private property rights. A recent court ruling in New Mexico, which held that an individual whose property was devalued simply by the passage of nuclear waste past his property, cost that agency nearly $800,000 in devaluation. This is an issue if we transport this material across America. The taxpayers of this country are going to pick up an enormous tab for the devaluation under the fifth amendment of individual property rights.

Let me also address the issue of an emergency response. This bill does not provide for those States along the corridor where this material is to be transported to have emergency response teams available to them. If there is an accident, first responders would be the local fire, the local police, and State officers. We must ensure that they have adequate funding and an adequately certified response team to deal with this. This bill fails to address that. We needed an amendment to do that.

This bill fails to protect our children. Because, as I said earlier, passage of this material along the corridors of transportation will, by its very nature, take it near our schools and through school zones, therefore endangering the lives of many of our children to needless exposure to radiation.

One of these accidents, of course, could cause the rupture of these casks that house this material as it is being transported. There is no full-scale testing provided in this bill. There needs to be an amendment, and we were denied this amendment, because the cask testing does not meet full-scale testing standards today.

Let me talk about one of the other issues that this bill does. It removes the limitation on the total amount of nuclear waste that can be stored in Yucca Mountain. Mr. Speaker, all of the scientific studies have been premised on the idea that approximately 77,000 tons of this material will be stored in Nevada. This bill strips the cap off of that. That means that all of those studies, those scientific studies that were designed to assure the safety of the storage of this material, are, in effect, inadequate and do not represent the safety designs and standards for the storage of such material.

This bill also allows for a death sentence to those people who are going to work in this area. There is a disagreement between the EPA and the NRC with regard to the radiation standards. The EPA has historically assessed standards to other nuclear waste facilities of 15 millirems and four millirems for groundwater supply. This bill lets the NRC engage in a discussion which would raise the level of that exposure, that millirem exposure to those people working in the area or just in the process of being nearby the storage, to something at the level of 25 millirems and has no identified groundwater standards. These are unacceptable standards and we must ensure that if we are going to be exposed to this, then we should have the same standards as others.

Mr. Speaker, I ask all my colleagues to vote against this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, first, I want to go on record and state that I am adamantly opposed to S. 1287 and its intent to ship over 77,000 tons of nuclear waste across 43 States to be stored at Yucca Mountain, Nevada.

As a Member from Nevada whose district is frighteningly close to Yucca Mountain, and whose 1.2 million constituents live less than 90 miles from Yucca Mountain, it is outrageous to me that the Republican leadership would even consider a closed rule and not allow me or my colleagues to offer my common sense amendments. I represent southern Nevada. This legislation will ship over 77,000 tons of deadly nuclear waste to be permanently stored in Nevada. It will destroy the economy of the State of Nevada and the health of the people living in Nevada.

My amendments are for the express purpose of protecting the health and safety of the people of my district and all the people that live along the transportation routes that the 77,000 tons of lethal waste are to be transported on.

My first amendment would have prevented the transportation of radioactive waste if it would preempt any State health and safety laws or transportation regulations. And may I remind my colleagues that this House has long prided itself on the ability to recognize and respect States' rights. This issue certainly is just as much a State issue as a Federal issue.

My second amendment would have prevented the establishment of a nuclear storage facility if, after sound scientific geologic testing, the facility site was found to be in an active seismic zone, within 10 miles of a potential volcanic eruption, or found to be threatened by migration of groundwater. All of these things have been found scientifically to exist at Yucca Mountain.

My third amendment would have prohibited the transportation of nuclear waste by highway or rail if the route was within five miles of any hospital, school, or college. It is unconscionable that we would risk the safety of our most vulnerable citizens, our children, our elderly, and those confined in a hospital and subject them to the possibility of lethal contamination by nuclear waste.

I urge my colleagues to join me in voting against this unfair, unjust, and unreasonable rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I appreciate the remarks made by the gentleman from Nevada (Mr. GIBBONS). I really think he touched base on a lot of things that are really very important to all of us. It is about safety and it is about protecting our communities. The gentleman talked about a fair process, a process that should have been done and a process that was not, and that process did not allow individuals to give input.

This is a bad rule. This is a bad rule for America; this is a bad rule for our Nation. In a democracy we allow individuals to give input. We did not allow individuals to give input based on what is going to happen in our immediate area.

I state this because this impacts my area in California. This is a route that

goes directly through an area that is going to impact thousands and thousands of people without a specific plan that deals with safety, that deals with regards to what happens in the immediate area.

□ 1130

I am appalled when I think in terms of what may happen if there was a catastrophe in that area where the freeway in that area, which is Freeway 10, there is a lot of trucking that moves in from one area to the other that goes into Las Vegas, if in fact there was a major accident in that area like there was about a month ago where 70 cars were derailed. There is no emergency plan that would deal with nuclear waste, radioactive waste in that area, if it were to spill. How would it affect the people in that area? How would it protect our children in that area?

We recently had a hearing about a month ago in this area. The people of my district rejected this. I believe that we have the responsibility to make sure that we put amendments that have the safeguards, that we put amendments that take care of what needs to be done, that we look at alternatives as we decide.

It is easy to come up here and state, this is nice, this is good that we should do this. But out of sight, out of mind, as long as it does not affect their districts. But it affects my district. And let me tell my colleagues, when you are talking about transferring through the routes of California into Nevada and the effects it could have on many of the individuals, our area is very well populated. California has 34, 35 million people and will continue to use these routes. We have got to look at other alternatives.

It denies the people of my district a voice. I believe the people in my district should have a voice to voice their opinion. I urge everyone to vote no on this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. I would like to congratulate my friend from Washington (Mr. HASTINGS) for his management of this rule, and I would like to say that I believe that we have crafted an extraordinarily fair rule on what clearly will be one the most important environmental votes that we will cast in this Congress.

While more than 20 percent of our Nation's electricity comes from nuclear power, there is not one single safe and isolated location to store nuclear fuel. Consequently, this spent fuel currently sits in the communities where the nuclear power was originally generated.

So if we are talking about a question of safety, the idea of having this waste go to an isolated, safe, secure spot, versus sitting in the back of hospitals around the country, to me it is an absolute no-brainer. The idea of not taking this action poses a very serious environmental public health and safety threat.

By the end of last year, 29 of the Nation's 103 nuclear power plants had exhausted their on-sight storage capacity for spent nuclear fuel with no other long-term storage facilities available at all.

Of all energy sources, nuclear energy has the lowest impact on the environment, including water, land habitat, species, and air resources. Nuclear energy is the most eco-efficient of all energy sources, and it produces the most electricity in relation to its minimal environmental impact.

Nuclear energy is an emission-free energy source. Nuclear power plants produce no controlled air pollutants such as sulfur and particulates or greenhouse gases. The use of nuclear energy in place of other energy sources helps to keep the air clean, preserve the Earth's climate, avoid ground-level ozone formation, and prevent acid rain.

This bill fulfills the commitments given the American taxpayers in 1982 and in 1987, with the enactment and amendment of the Nuclear Waste Policy Act, by removing the bureaucratic and legal roadblocks in the path of building and implementing a permanent nuclear waste repository.

It is time, Mr. Speaker, for the President to tell the American people where he stands on this very important local environmental issue. Moving the Senate bill under a closed rule is the most expeditious way to get this important legislation to the President's desk. And while I have heard people talk about how he plans to veto this measure, I cannot help but look at the past several years and his plan to veto legislation after legislation that we have put forward: the Education Flexibility Act; the National Ballistic Missile Defense Act; the Welfare Reform Act, which he did twice veto, ultimately signed, and today claims as one of his greatest accomplishments.

So I believe that the President can, in fact, take a positive pro-environment move by taking this very well-thought-out measure and having it reported out of both Houses of Congress. I believe that we will be doing the right thing by passing that.

So I urge a ''yes'' vote on the rule, and I urge a strong ''yes'' vote in support of this very, very important pro-environment legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the Committee on Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, this is a bill that only a Republican leadership could love. It is a bill that does precisely nothing. It is, at best, a sham and a fraud. It is a waste of the time of the House of Representatives. Frankly, if my colleagues are opposed to the nuclear waste storage in Nevada, they could probably vote for it in the perfect comfort and the solid assurance that it will do nothing.

This bill stands in the way of real progress in addressing the difficulty of achieving a program of nuclear waste storage. It stands in the way of addressing the problem of billions of dollars of lawsuits which are now pending or will be pending against the Federal Government because of our breach of understandings with the nuclear power industry to take waste off the hands of the electrical utility generators who use nuclear power to generate nuclear power and to create nuclear waste. It is a piece of legislation which will assure that we will not go forward with an interim waste storage. And so utilities all over this country are going to continue to find their storage facilities choking with nuclear waste.

We address virtually none of the problems that confront us with regard to nuclear waste storage. And we create a very interesting exercise. We enhance the probability of lawsuits against the Federal Government in the amount of billions of dollars. We also do something else: we postpone for a far distant time in the future the real settlement and the real addressing of these problems.

This is a bad piece of legislation. The rule should be rejected because it does not even allow the House sufficient time to address the questions that the bill raises. It stands in the way of a piece of bipartisan legislation which came out of the Committee on Commerce by a vote of 40–6. And it does something else. It assures that, far into the future, this problem is going to continue to plague us and meaningful legislation will not be addressed because of this rather shameful and sham-ful exercise today.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me the time.

Mr. Speaker, I rise in opposition to the rule and to the bill itself. Twenty-four amendments were offered at the Committee on Rules meeting yesterday, and 24 were blocked from any consideration on the House floor.

High-level nuclear waste will remain deadly for a million years. But unfortunately, because of this rule, there will not be any alternatives permitted on the floor.

I offered seven of the 24 barred amendments yesterday, all to improve the safety of nuclear waste transportation. My amendments offered significant, but reasonable, protections for

my district and approximately 320 other districts which will see high-level nuclear waste transported through them.

My amendments were critical to protect our constituents from the thousands of shipments of waste through 43 States passing in the vicinity of roughly 50 million Americans.

My amendments were not poison pills. They were common sense approaches to improve the safety of nuclear waste transportation.

The 24 blocked amendments are: the comprehensive transportation safety program, protecting populated communities from transportation, oldest fuel first during transportation, full-scale cask testing, State and local route consultation, private carriers must follow selected routes, advanced notification of shipments. Those seven were all ones that I sponsored.

One sponsored by the gentleman from Nevada (Mr. GIBBONS) included prohibiting an interim storage facility, protecting taxpayers from nuclear waste fees, prohibiting transportation through a national forest or park, State governors must consent to a transport of high-level nuclear waste, compensation of private property is devalued, guaranteeing emergency response capabilities, funding for emergency response teams, prohibiting transportation in school zones, protecting the EPA's authority to set radiation standards, full-scale cask testing, protecting current repository capacity limits, funding for oversight by the State of Nevada and affected local counties. All those were by the gentleman from Nevada (Mr. GIBBONS).

Why are we not protecting our community?

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this bill is now and has been for the last 15 years nothing more, no less than sticking the nuclear queen of spades with the State of Nevada.

We are deciding it here on the floor of Congress. It is not done scientifically. It is not done through some blue ribbon panel. It is done because they have two Senators and two Congressmen. That is it. The smaller the State's representation is the more likely that they would get stuck with all of the nuclear waste from every nuclear power plant in the United States.

Now, the gentlewoman from Nevada (Ms. BERKLEY) does a fabulous job, and I agree with every single word that she laid out in her brilliant, eye-wateringly detailed statement. She did an excellent job. But that is not what this is about. If it was about safety, then we would not have a bill out here on the floor right now which indemnifies, in other words, it says to the companies which are going to be trucking and railroading this nuclear waste all over America that they have no liability, that is, as these atomic trains and trans-uranic trucks start riding across America, and we are talking about 100,000 shipments of nuclear waste criss-crossing America, now riding the streets of our country after they have been put into the form of spent fuel, the most dangerous form of this fuel at the 120 or so nuclear power plants across our country.

What does this bill say? This bill says that even if the truck company, even if the railroad engaged in negligence, gross negligence, willful misconduct as the truck driver careens, for whatever reason from the night before, whatever activity he might have been engaged in the night before, careens through a neighborhood tipping over the truck, dumping nuclear waste in a neighborhood, no liability for the truck company. None. Zero. Zero for the railroad if they have an accident.

Now, what kind of an incentive is that? If they are driving through our neighborhoods with bread in the back of the truck and it tips over, they are liable. If they are driving through our neighborhoods and it is the milkman, they are liable. But because of their spill, if they are driving through with nuclear waste, no liability.

Now, do my colleagues really want to give that incentive to every truck driver and every railroad engineer carrying these 100,000 shipments of the most dangerous material ever known to mankind through their neighborhoods? And by the way, 50 million people are on the routes that will have to be used in order to move all of this waste to the State of Nevada, without any assurance, by the way, that ultimately Yucca Mountain is going to be suitable for the waste. It just might have to get put back on the trucks and the trains and taken to some other place.

Because ''congressional experts'' is an oxymoron. We are only experts compared to other Congressmen. We are not experts compared to real experts, the scientists. And there has been no scientist who has yet been able to confirm that Yucca Mountain in Nevada is the place where we can bury every bit of nuclear waste for the next 20,000 years. We are just trying to get it off the hands of all the utilities. That is what this is all about. And that is why no liability for the truck drivers.

The Environmental Protection Agency can no longer look at the safety standards. But do my colleagues want to know what they say? Do not worry, an accident cannot happen. Do not worry, this is going to be very safely transported. And so the public kind of scratches their head and says, well, if this can be safely transported, how come they are going to pass a law saying the truck drivers are not liable if an accident takes place?

So this rule, basically, prohibits any amendments from being put in order which can ensure that the health and the safety of all Americans are protected, that there is an opportunity for real debate on this most important of all environmental issues, which is going to be debated on the floor of Congress this year; and, as a result, I have to recommend, reluctantly, that the Members of this body vote ''no'' because this is not the way that we should be dealing with an issue that deals with the most fundamental health and environmental and safety issues that face our country.

□ 1145

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I have no further requests for time. I would just say that we will ask for a vote on the previous question and on the rule. We consider the rule a very closed rule, not a good rule certainly, no amendments, there ought to be amendments offered on this bill. We consider the bill a bad bill. So we hope under the rule and under the bill if the bill comes up that it goes down.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time. I urge Members of the House to vote ''yes'' on the previous question and ''yes'' on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. PEASE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. BERKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 195, not voting 20, as follows:

[Roll No. 59]

YEAS—219

| | | |
|---|---|---|
| Aderholt | Burr | DeLay |
| Archer | Burton | DeMint |
| Armey | Buyer | Diaz-Balart |
| Bachus | Callahan | Dickey |
| Baker | Calvert | Doolittle |
| Ballenger | Camp | Dreier |
| Barr | Campbell | Duncan |
| Barrett (NE) | Canady | Dunn |
| Bartlett | Cannon | Ehlers |
| Barton | Castle | Ehrlich |
| Bass | Chabot | Emerson |
| Bereuter | Chambliss | English |
| Biggert | Chenoweth-Hage | Everett |
| Bilbray | Coble | Fletcher |
| Bilirakis | Coburn | Foley |
| Bishop | Collins | Fossella |
| Bliley | Combest | Fowler |
| Blunt | Cook | Franks (NJ) |
| Boehlert | Cooksey | Frelinghuysen |
| Boehner | Cox | Gallegly |
| Bonilla | Cubin | Ganske |
| Bono | Cunningham | Gekas |
| Brady (TX) | Davis (VA) | Gibbons |
| Bryant | Deal | Gilchrest |

Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Ackerman
Bateman
Boyd
Crane
Crowley
Davis (IL)
Ewing
Greenwood
Jackson-Lee (TX)
Klink
Lowey
McCollum
McDermott
Pallone
Pombo
Porter
Royce
Rush
Schakowsky
Tierney

□ 1208

Messrs. GEJDENSON, STENHOLM and SHOWS changed their vote from ''yea'' to ''nay.''

Mr. SPENCE and Mr. HILLIARD changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CROWLEY. Madam Speaker, on March 22, 2000, I was unavoidably detained, causing me to miss rollcall vote 59. I ask that the RECORD reflect that had I been present I would have voted ''nay'' on rollcall vote 59.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. BERKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 220, noes 191, not voting 23, as follows:

[Roll No. 60]

AYES—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—191

Abercrombie
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar

| | | |
|---|---|---|
| Obey | Sandlin | Thompson (MS) |
| Olver | Sawyer | Thurman |
| Ortiz | Scott | Tierney |
| Pascrell | Serrano | Towns |
| Payne | Sherman | Traficant |
| Pelosi | Shows | Turner |
| Peterson (MN) | Sisisky | Udall (CO) |
| Phelps | Skelton | Udall (NM) |
| Pomeroy | Slaughter | Velazquez |
| Price (NC) | Smith (WA) | Vento |
| Rahall | Snyder | Visclosky |
| Rangel | Spratt | Waters |
| Reyes | Stabenow | Watt (NC) |
| Rivers | Stark | Waxman |
| Rodriguez | Stenholm | Weiner |
| Roemer | Strickland | Wexler |
| Rothman | Stupak | Weygand |
| Roybal-Allard | Tanner | Wise |
| Sabo | Tauscher | Woolsey |
| Sanchez | Taylor (MS) | Wu |
| Sanders | Thompson (CA) | Wynn |

NOT VOTING—23

| | | |
|---|---|---|
| Ackerman | Hill (IN) | Owens |
| Baird | Jackson-Lee (TX) | Pallone |
| Becerra | Klink | Pombo |
| Boyd | Lowey | Porter |
| Crane | McCollum | Royce |
| Davis (IL) | McDermott | Rush |
| Ewing | McKeon | Salmon |
| Greenwood | | Schakowsky |

□ 1216

Ms. BROWN of Florida changed her vote from ''no'' to ''aye.''

Stated against:

Mr. BAIRD. Mr. Speaker, during rollcall vote No. 60 on H. Res. 444, I was unavoidably detained. Had I been present, I would have voted ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. UPTON. Mr. Speaker, pursuant to House Resolution 444, I call up the Senate bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

The Clerk read the title of the Senate bill.

The text of S. 1287 is as follows:

S. 1287

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Nuclear Waste Policy Amendments Act of 2000''.

**SEC. 2. DEFINITIONS.**

For purposes of this Act—

(1) the term ''contract holder'' means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered into pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

(2) the terms ''Administrator'', ''civilian nuclear power reactor'', ''Commission'', ''Department'', ''disposal'', ''high-level radioactive waste'', ''Indian tribe'', ''repository'', ''reservation'', ''Secretary'', ''spent nuclear fuel'', ''State'', ''storage'', ''Waste Fund'', and ''Yucca Mountain site'' shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

**TITLE I—STORAGE AND DISPOSAL**

**SEC. 101. PROGRAM SCHEDULE.**

(a) IN GENERAL.—The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

(b) MILESTONES.—(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

(c) RECEIPT FACILITIES.—(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

**SEC. 102. BACKUP STORAGE CAPACITY.**

(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1) (A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1) (A) and (B)) to—

(1) take title at the civilian nuclear power reactor site to such amounts of spent nuclear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at, the repository site after the Commission has authorized construction of the repository without regard to the Secretary's Acceptance Priority Ranking report or Annual Capacity report.

**SEC. 103. REPOSITORY LICENSING.**

(a) ADOPTION OF STANDARDS.—Notwithstanding the time schedule in section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall not publish or adopt public health and safety standards for the protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site—

(1) except in accordance with this section; and

(2) before June 1, 2001.

(b) CONSULTATION AND REPORTS TO CONGRESS.—(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provide a reasonably expectation that the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) APPLICATION OF CONGRESSIONAL REVIEW PROCEDURES.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

(d) CAPACITY.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking ''The Commission decision approving the first such application . . .'' through the period at the end of the sentence.

**SEC. 104. NUCLEAR WASTE FEE.**

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows: ''The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.''.

**SEC. 105. SETTLEMENT AGREEMENTS.**

(a) IN GENERAL.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

(2) settle any legal claims against the United States arising out of such failure.

(b) TYPES OF RELIEF.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

(1) provide spent nuclear fuel storage casks to the contract holder;

(2) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

(3) provide any combination of the foregoing.

(c) SCOPE OF RELIEF.—The Secretary's obligation to provide the relief under subsection (b) shall not exceed the Secretary's obligation to accept delivery of such spent fuel

under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), including any otherwise permissible assignment of rights.

(d) WAIVER OF CLAIMS.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder—

(A) notifies the Secretary within 180 days after the date of enactment of this Act of its intent to enter into a settlement negotiations, and

(B) as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or backup storage agreement, including any obligation related to the movement of spent fuel by the Department.

(e) SOURCE OF FUNDS.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

(1) the cost of acquiring and loading spent nuclear fuel casks;

(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

(f) REACTOR DEMONSTRATION PROGRAM.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87–315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under section 106 of this Act.

(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

(g) SAVINGS CLAUSE.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in United States v. Batt (No. 91–0054–S–EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail.

**SEC. 106. ACCEPTANCE SCHEDULE.**

(a) PRIORITY RANKING.—Acceptance priority ranking shall be determined by the Department's ''Acceptance Priority Ranking'' report.

(b) ACCEPTANCE RATE.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a license to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tons uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1,300 MTU in year 3, 2,100 MTU in year 4, 3,100 MTU in year 5, 3,300 MTU in years 6, 7, and 8, 3,400 MTU in years 9 through 24, and 3,900 MTU in year 25 and thereafter.

(c) OTHER ACCEPTANCES.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors:

*Provided, however,* That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

(d) EFFECT ON SCHEDULE.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

(e) MULTI-YEAR SHIPPING CAMPAIGNS.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

**SEC. 107. INITIAL LAND CONVEYANCES.**

(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer Station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

(2) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Beatty

Map 2: Ione/Berlin

Map 3: Manhattan

Map 4: Round Mountain/Smoky Valley

Map 5: Tonopah

Map 6: Armargosa Valley

Map 7: Pahrump.

(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

Map 2: City of Caliente, Parcel M, Industrial Park Site, Jointly with Lincoln County.

(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

(c) CONSTRUCTION.—The maps and legal descriptions of special conveyance referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

(d) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

(e) CONSENT.—(1) The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

(2) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

(3) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

## TITLE II—TRANSPORTATION

### SEC. 201. TRANSPORTATION.

Section 180 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10175) is amended to read as follows:

''TRANSPORTATION

''SEC. 180. (a) IN GENERAL.—The transportation of spent nuclear fuel and high-level radioactive waste from any civilian nuclear power reactor to any other civilian nuclear power reactor or to any Department of Energy Facility, by or for the Secretary, or by or for any person who owns or generates spent nuclear fuel or high-level radioactive waste, shall be subject to licensing and regulation by the Commission and the Secretary of Transportation under all applicable provisions of existing law.

''(1) PREFERRED SHIPPING ROUTES.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository in accordance with the regulations promulgated by the Secretary of Transportation under authority of the Hazardous Materials Transportation Act (chapter 51 of title 49, United State Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.).

''(2) STATE REROUTING.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of title 49, Code of Federal Regulations.

''(b) SHIPPING CONTAINERS.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages—

''(1) the design of which has been certified by the Commission; and

''(2) that have been determined by the Commission to satisfy its quality assurance requirements.

''(c) NOTIFICATION.—The Secretary shall provide advance notification to States and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste.

''(d) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—

''(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials or appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

''(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

''(C) TRAINING.—Training under this section—

''(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

''(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

''(iii) shall include—

''(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

''(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

''(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

''(2) NO SHIPMENTS IF NO TRAINING.—

''(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph (3)(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however,* That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

''(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

''(ii) the refusal to accept technical assistance by a State or Indian tribe, or

''(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

''(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however,* That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further,* That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

''(3) GRANTS.—

''(A) IN GENERAL.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation Acts.

''(B) GRANTS FOR DEVELOPMENT OF PLANS.—

''(i) IN GENERAL.—The Secretary shall make a grant of at least $150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

''(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

''(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

''(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

''(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

''(II) the amount requested by the President for implementation; and

''(III) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

''(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

''(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and

Indian tribes based on plans developed under subparagraph (B); and

''(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

''(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

''(5) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

''(e) PUBLIC INFORMATION.—The Secretary shall conduct a program, in cooperation with corridor States and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

''(f) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

''(g) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

''(h) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

''(i) TRAINING STANDARD.—

''(1) REGULATION.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

''(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

''(i) a specified minimum number of hours of initial offsite instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

''(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of clauses (i) and (ii).

''(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high-level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

''(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.''.

## TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

**SEC. 301. FINDINGS.**

(a) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements.

(b) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

(c) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

**SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.**

(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

(d) DUTIES.—(1) The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(2) The Associate Director of the Office shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of subsection (b).

## TITLE IV—GENERAL AND MISCELLANEOUS

**SEC. 401. DECOMMISSIONING PILOT PROGRAM.**

(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

**SEC. 402. REPORTS.**

(a) The Secretary is directed to report within 90 days from enactment of this Act

regarding all alternatives available to Northern States Power Company and the Federal Government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current Nuclear Regulatory Commission licenses, assuming existing State and Federal laws remain unchanged.

(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its State-imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of onsite storage of spent nuclear fuel storage.

**SEC. 403. SEPARABILITY.**

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

**SEC. 404. FAST FLUX TEST FACILITY.**

Any spent nuclear fuel associated with the Fast Flux Test Facility at the Hanford Reservation shall be transported and stored at the repository site as soon as practicable after the Commission has authorized the construction of the repository.

UNFUNDED MANDATES POINT OF ORDER

Mr. GIBBONS. Mr. Speaker, pursuant to section 425 of the Congressional Budget Act and the Impoundment Control Act of 1974, I make a point of order against consideration of S. 1287.

Section 425 states that a point of order lies against legislation which either imposes an unfunded mandate in excess of $50 million annually against State or local governments, or when the committee chairman does not publish, prior to floor consideration, a CBO cost estimate of any unfunded mandate in excess of $50 million annually for State and local entities or in excess of $100 million annually for the private sector.

Section 104 of S. 1287 contains violations of section 425 of the Congressional Budget and Impoundment Control Act.

Therefore, I make a point of order against consideration of this act.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Nevada makes a point of order that the bill violates section 425(a)of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the act, the gentleman has met his threshold burden to identify the specific language in the bill on which he predicates the point of order.

Under section 426(b)(4) of the act, the gentleman from Nevada (Mr. GIBBONS) and a Member opposed each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the act, after that debate the Chair will put the question of consideration of the bill, to wit: ''Will the House consider the bill?''

The gentleman from Nevada (Mr. GIBBONS) will be recognized for 10 minutes, and the gentleman from Washington (Mr. HASTINGS) will be recognized for 10 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1287 contains violations of section 425 of the Congressional Budget and Impoundment Control Act. More specifically, S. 1287 would effectively stop the flow of revenue into the Nuclear Waste Fund. This is the fund that is responsible for costs associated with the shipment, storage and disposal of commercially generated nuclear waste. Loss of this revenue would leave a multibillion dollar funding gap that must be filled. Loss of this revenue would impose a multibillion dollar unfunded Federal mandate on the American taxpayer.

The May 1995, Department of Energy-sponsored Independent Management and Financial Review concluded, ''The Nuclear Waste Fund is currently defined as inadequate.'' The review panel noted that the Nuclear Waste Fund was between $4 billion and $8 billion underfunded for a single regulatory program, and between $12 billion and $15 billion underfunded for a two-repository program.

S. 1287 shifts the burden of paying the extra costs of a nuclear waste repository program to the American taxpayer by freezing the current mill fee that pays money into the Nuclear Waste Fund. Although this aspect of S. 1287 appeals to the nuclear utilities, it is difficult to justify it to the American taxpayer.

Let us take a quick review of the situation at hand.

The Nuclear Waste Policy Act of 1982 called for disposal of spent nuclear fuel in a deep underground repository. The Nuclear Waste Policy Act set forth two major provisions. First, it established an office in the Department of Energy to develop such a repository; and, secondly, now pay special attention to this, it required the program's civilian costs to be covered by a fee on nuclear-generated electricity.

So here is the situation. The nuclear power industry goes to the Federal Government and says they need help with their nuclear waste. So the nuclear power industry makes a deal in which the Federal Government becomes responsible for transporting, storing, and disposing of nuclear waste. Okay. But who is going to pay for it? The deal essentially says that they, the nuclear power industry, are responsible for picking up the tab. The sad part about this rosy finding and scenario is that, ultimately, your constituents, our constituents, the American taxpayers, will actually be responsible for picking up the tab.

Let me make a quick review of the salient facts associated with the costs of this nuclear waste disposal program. An independent cost assessment of the Nation's high-level nuclear waste program conducted by the Planning Information Corporation, the Thompson Professional Group, and the Decision Research Institute, estimates total system costs at $53.9 billion for fiscal year 1996, about 54.1 percent greater than DOE's estimate in September of 1995.

About $38.5 billion are costs attributable to the disposal of commercial spent nuclear fuel, for which, listen to this, Mr. Speaker, is supposed to be fully recovered from the Nuclear Waste Fund. Full recovery, Mr. Speaker, of $38.5 billion from the Nuclear Waste Fund, is unlikely.

Current estimates put the Nuclear Waste Fund at only $8.9 billion. This balance pales in comparison to the total system costs of almost $54 billion. Those are in 1996 fiscal year dollars.

What is more, the nuclear power industry, the industry, remember, that made the deal with the Federal Government to pay for the nuclear waste disposal program, faces an uncertain economic future. Let me point out just a few of the problems facing this industry, the industry that is supposed to be responsible for paying the costs associated with nuclear waste disposal.

No nuclear power plants have been ordered since 1978. More than 100 reactors have been canceled, including all ordered after 1973. No units are currently under active construction. In fact, the TVA, Tennessee Valley Authority, Watts Bar 1 reactor ordered in 1970 and licensed to operate in 1996 was the last U.S. nuclear unit to be completed.

The nuclear power industry's troubles include a slowdown in the rate of growth of electricity demand, high nuclear power plant construction costs, relatively low costs for competing fuel, public concern about nuclear safety and waste disposal and regulatory compliance costs.

Even more of an immediate concern to the nuclear power industry is the outlook for existing nuclear reactors in a deregulated electrical market. Electric utility restructuring, which is currently underway in several States, could increase the competition faced by existing nuclear plants. High operating costs and the need for costly improvements and equipment replacement has resulted during the past decade in the permanent shutdown of 11 U.S. commercial reactors before the completion of their 40-year license operating period.

Mr. Speaker, the viability of the Nuclear Waste Fund is directly related to the continued viability of the nuclear utility industry. It seems that the economic outlook for both is suspect at best. The vice president of the Nuclear Energy Institute, Mr. Garrish, affirmed the dire strait of fiscal affairs in the Nuclear Waste Fund, the fund that is supposed to pay for the nuclear waste disposal program, is Yucca Mountain.

Mr. Garrish stated, ''The Nuclear Waste Fund was established in 1982 by

the Nuclear Waste Policy Act. That legislation imposed a 1 mill per kilowatt-hour fee on customers who use electricity generated by nuclear power. In return for paying this user fee to the Nuclear Waste Fund, the Federal Government was made responsible by law for the transport, storage and disposal of all commercially generated used nuclear fuel.''

Please note that Mr. Garrish does not say the Federal Government is responsible for paying for the transport and storage or disposal of their nuclear waste, nor does he say that the American taxpayer is responsible for paying for the transport, storage, and disposal of nuclear waste.

That is because he is correct. The American taxpayer is not supposed to fund the program. The program is supposed to be funded by the nuclear energy industry and the ratepayers who purchase and benefit from their electricity.

Let us consider this in order, Mr. Speaker, and review the facts. The total construction costs and operating costs for a repository at Yucca Mountain are close to $54 billion and growing. The nuclear power industry is in dire straits. They are plagued with a slowdown in the rate of growth of electrical demand, high nuclear power plant construction costs, relatively low costs for competing fuels, public concern about nuclear safety and waste disposal and a regulatory compliance cost; and we know that the money being paid into the Nuclear Waste Fund is not used for its intended purpose. What is more, the bill, S. 1287, essentially freezes the mill fee, the mechanism to fund the Nuclear Waste Fund, thus effectively stopping the flow of revenue into the fund. S. 1287 essentially allows the nuclear utilities to be off the hook and sticks the American taxpayer with a burden of paying this $54 billion bill.

Let us get this correct: we are supposed to believe that the American people, our constituents, are supposed to believe that the Nuclear Waste Fund, paid into by the industry, with an uncertain fiscal future, and whose revenue inflows will effectively be frozen by the passage of S. 1287, is supposed to pay for the total construction and the operating costs of Yucca Mountain? I do not think so.

So the Nuclear Waste Fund by itself, Mr. Speaker, is doomed, and there will be no money for the Nuclear Waste Fund coming in the future if the ratepayers are closed out of paying for this with a mill fee, as stated in S. 1287. The Nuclear Waste Fund will become an empty shell, devoid of money. It is pretty simple: you cannot use the money from a fund when there is no money here. So then, ultimately, the taxpayer is responsible for picking up the tab.

Mr. Speaker, my objection to this is that this is an unfunded mandate, and the bill so states.

It takes billions of dollars to construct and operate and maintain a high-level nuclear facility. The nuclear energy industry is responsible for providing this funding. The problem is that the industry is waning in its effectiveness to provide the billions of dollars needed to construct, operate, and maintain a facility in which their spent nuclear fuel will be stored. Sadly, the American taxpayer will be the ones who lose in the end.

The point is crystal clear: S. 1287 shifts the burden of paying the extra costs of a nuclear repository program to the American taxpayer by freezing the current mill fee that pays for the nuclear waste fund. Once the fund is exhausted, the American taxpayers will be responsible for the multibillion dollar price tag.

Mr. Speaker, I urge my colleagues to vote no on this.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason that we are here at this point on the question before the House is whether we should consider this bill. I think, emphatically, yes, we should consider this bill; and accordingly, I urge my colleagues to vote yes on this motion.

The basis of the argument of my friend, the gentleman from Nevada (Mr. GIBBONS), is that this is an unfunded mandate.

□ 1230

We are considering a Senate bill.

I would like to read to my colleagues, Mr. Speaker, a letter to Senator FRANK MURKOWSKI who is the chairman of the Committee on Energy and Natural Resources. The letter is dated June 24, 1999 from Director Dan Crippen of the Congressional Budget Office and he writes specifically on the question of unfunded mandates, and I quote:

''CBO is unsure whether the bill contains intergovernmental mandates as defined by the Unfunded Mandate Reform Act, but we estimated that costs incurred by State, local and tribal governments as a result of the bill would total significantly less,'' and I want to emphasize this point, ''significantly less than the threshold established in the law, which is $50 million adjusted annually for inflation.

''Although this bill would, by itself, establish no new enforceable duties on State, local or tribal governments, shipments of nuclear waste for surface storage at the Yucca Mountain site, as authorized by law, probably would increase the cost to the State of Nevada of complying with existing Federal requirements. CBO cannot determine whether these costs would be considered the direct costs of a mandate as defined by the Unfunded Mandate Reform Act.

''Additional spending by the State would support a number of activities, including emergency communications, emergency response planning and training, inspections, and escort of waste shipments. These costs are similar to those that the State would eventually incur under current law as a result of the permanent repository plan for Yucca Mountain. This bill would, however, authorize DOE to receive and store waste at Yucca Mountain once the NRC has authorized construction of a repository at that site and would set a deadline of December 31, 2006 for NRC to make that decision. This date is about 3 years earlier than DOE expects to begin receiving material at this site under current law.''

So, Mr. Speaker, there are some other safeguards within this act that address some of the costs that may be incurred and that obviously would be incurred by the establishment of this act, but the point is, it falls significantly below the threshold, as pointed out by the Unfunded Mandates Reform Act.

Accordingly, Mr. Speaker, I urge my colleagues to vote ''yes'' on this question of consideration.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is, Will the House now consider the Senate bill?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 206, nays 205, not voting 24, as follows:

[Roll No. 61]

YEAS—206

| | | |
|---|---|---|
| Aderholt | Cooksey | Hastert |
| Archer | Cox | Hastings (WA) |
| Armey | Cunningham | Hayes |
| Bachus | Davis (VA) | Hayworth |
| Baker | Deal | Herger |
| Ballenger | DeLay | Hill (MT) |
| Barr | DeMint | Hilleary |
| Barrett (NE) | Diaz-Balart | Hobson |
| Bartlett | Dickey | Hoekstra |
| Bass | Doolittle | Horn |
| Bateman | Dreier | Houghton |
| Bereuter | Duncan | Hulshof |
| Biggert | Ehlers | Hunter |
| Bilbray | Ehrlich | Hutchinson |
| Bilirakis | Emerson | Hyde |
| Bishop | English | Isakson |
| Bliley | Everett | Istook |
| Blunt | Fletcher | Jenkins |
| Boehlert | Foley | Johnson (CT) |
| Boehner | Fossella | Jones (NC) |
| Bonilla | Fowler | Kanjorski |
| Bono | Frelinghuysen | Kasich |
| Brady (TX) | Gallegly | Kelly |
| Bryant | Ganske | King (NY) |
| Burr | Gejdenson | Knollenberg |
| Burton | Gekas | Kolbe |
| Buyer | Gilchrest | LaHood |
| Callahan | Gillmor | Largent |
| Calvert | Gilman | Latham |
| Camp | Goode | LaTourette |
| Canady | Goodlatte | Lazio |
| Cannon | Goodling | Leach |
| Castle | Goss | Lewis (KY) |
| Chabot | Graham | Linder |
| Chambliss | Granger | LoBiondo |
| Coble | Green (WI) | Lucas (OK) |
| Coburn | Gutknecht | Manzullo |
| Combest | Hall (TX) | Martinez |
| Cook | Hansen | McCrery |

McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
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Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
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Toomey
Upton
Vitter
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Watkins
Watts (OK)
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Allen
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Blumenauer
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Boswell
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Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
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Collins
Condit
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Costello
Coyne
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Crowley
Cubin
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Danner
Davis (FL)
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DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Hall (OH)
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Hefley
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Jackson (IL)
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John
Johnson, E. B.
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Larson
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntosh
McIntyre
McKinney
McNulty
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Meek (FL)
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Menendez
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Ackerman
Barton
Berry
Boyd
Crane
Dunn
Engel
Ewing
Franks (NJ)
Greenwood
Gutierrez
Hill (IN)
Jackson-Lee (TX)
Kingston
Klink
Lowey
McCollum
McDermott
Moran (VA)
Ose
Pallone
Royce
Rush
Schakowsky

□ 1253

Messrs. PHELPS, BENTSEN, HILLIARD, TALENT and GORDON and Mrs. CUBIN changed their vote from ''yea'' to ''nay.''

Messrs. GEJDENSON, HUNTER and GALLEGLY changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 444, the gentleman from Michigan (Mr. UPTON) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I rise in strong support of S. 1287, the Nuclear Waste Policy Amendments Act of 2000. Why are we here? We are here today because the Government broke its promise to the American people that it would begin storing the Nation's nuclear waste at Yucca Mountain by 1998, 2 years ago. The administration has still refused to deal in good faith with a bipartisan majority of both Houses of Congress to fix this problem.

Madam Speaker, there are few in this House who have worked as long to find a bipartisan solution to the problem of nuclear waste storage than I. For three consecutive Congresses, I have introduced bipartisan legislation to implement a safe solution to the problem of nuclear waste storage. Yet, despite the overwhelming bipartisan support for these measures throughout the years, we still cannot get the administration to stop saying no, no, no.

Let us review what has happened. In the 105th Congress, the bipartisan majority in the House overwhelmingly approved our nuclear waste bill, but the promise of a veto killed any further consideration in that Congress.

In this Congress, the House Committee on Commerce, by a vote of 40 to 6 reported out my bill, H.R. 45. Yet the administration continues to say, no, we will still veto it.

Just this past month, the Senate with a bipartisan majority passed the bill that we are considering today, S. 1287, bending over backwards to address each and every concern by this administration. Yet the administration still said no.

One of the big issues was interim storage. That cannot be part of the bill. We took it out over there in the Senate. Yet it seems like this legislation is like Charlie Brown and Lucy with a football. No matter what they did, the football kept going up, and they missed the kick. Sadly, it is the American people who continue to fall on their backs because it is they who are at risk with nuclear waste continuing to pile up in their communities.

So why do I come to the floor today in support of S. 1287 instead of my bill, H.R. 45? Well, the hour is late in this legislative year, and I believe it is better to move forward with the Senate bill today rather than face yet another filibuster in the other body and send it to the President in hopes that perhaps he will sign it.

Mr. Speaker, I rise today in support of this bill, which, if passed today and signed by the President, will in fact remove dangerous nuclear waste from communities all across America and deposit this material at Yucca Mountain, a safe and stable storage facility.

But, Madam Speaker, as I stand here today, I want to be clear about what our failure to pass this legislation will mean. By failing to pass this common sense, reasonable, scientifically sound bill, we are allowing the continuous pileup of nuclear waste in our communities, and we are abdicating our stewardship for future generations.

Right now across America, nuclear power plants are being forced to construct temporary facilities to hold nuclear waste, and they are filling up fast. Many of them are just a baseball throw away from your lakes, rivers, schools, and neighborhoods.

This bill moves high-level nuclear waste into one safe place rather than keep it in environmentally sensitive areas. Clearly, there is a need for a permanent facility to store this material.

But in the middle of the Nevada desert, far away from a populated ecosystem, sits Yucca Mountain, which by scientific accounts is a good place to start, a place, by the way, where we have spent $10 billion preparing it for this day.

Independent analysis in government agencies have shown that we are on the right track to have the Yucca Mountain site be safe, and I am here today to urge my colleagues to look at the sound science behind this proposal.

In addition, emotional pleas, mine, others today, some of our colleagues will say that transporting nuclear waste out of our communities is more dangerous than leaving it there. That makes no sense.

Again, I urge my friends to look at the scientific studies. In fact, over the past 30 years, we have had thousands of these shipments. Not a single release of radioactivity in any of those shipments. Asking consumers, through a tax in our utility bills, every single one of our constituents has contributed more than $17 billion to pay for this project.

□ 1300

By asking them to pay their utility bills to take care of this problem at the local level is unfair. Building temporary storage sites at our Nation's nuclear reactors have put taxpayers in double jeopardy. We are already paying the bill to build the storage site in Nevada, and now we are starting to foot the bill for storage sites in our communities.

With each passing day, we are one day closer to a nuclear power plant running out of storage room; we are one day closer to another cement cask being built in one of our constituents' back yards; and, my colleagues, it is yet another day that the Federal Government has not lived up to its responsibilities. I urge my colleagues to vote ''yes'' on this measure. Let us get the stuff into one safe place. This bill begins that process.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I yield myself 5 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Madam Speaker, I begin my comments by paying tribute to my dear friend, the gentleman from Michigan (Mr. UPTON). He is a gentleman and a fine Member. He is also a dear friend of mine, and I grieve to see him placed in a position of handling a turkey like this.

This is one of the most extraordinary examples of legislative bait and switch that I have ever seen. The House Committee on Commerce reported by 40 to 6 a good bill which did all the things that my friend from Michigan was speaking on behalf of. The bill, in a curious process of bait and switch, had a substitute of the Senate bill put in its place last night under a closed rule. No Member will have opportunity to perfect the bill, and the bill does not do any of the things that my good friend from Michigan says it does.

One of the most remarkable things about this is not just that it is legislative bait and switch and that it does not do anything or the false representations, but my poor friend from Michigan is stuck with handling this bill because neither the chairman of the full committee nor the subcommittee have chosen to handle a bill that, quite frankly, stinks.

Now, having said that, let us recognize that we have here a remarkable procedure. Nothing similar to S. 1287 has been considered by any committee of the House. The bill was voted out from the other body last month, held at the desk, and brought to the floor under a closed rule. None of the committees of jurisdiction have consented to this approach. Under the closed rule, all Members are denied the right to offer perfecting amendments to the bill.

I would have offered an amendment today to substitute the text of H.R. 45, sponsored by my able friend and colleague, the gentleman from Michigan (Mr. UPTON). That is a bill which would have done something. It was reported from the Committee on Commerce by a vote of 46 to 0. This puts Members of both parties who support nuclear waste legislation in the position of having to vote against the only bill on this subject that is likely to be brought before the House during this Congress. This is a shame, since the program is in sore need of improvement and a very different bill coming out of the Committee on Commerce during the 105th Congress gathered, as my good friend mentioned, a strong bipartisan vote of 307 to 120.

However, we have been presented now with a take-it-or-leave-it proposition. I urge my colleagues to leave it. This bill is an affront and the procedure is a greater affront to the Members of this body. If any of my colleagues have a utility running out of storage space for its nuclear waste, this bill does nothing to help them, their district, their people, or their utility.

Unlike the House bill, this neither directs the Department of Energy to build an interim storage facility in Nevada nor does it authorize the Department to pay for waste stored at the utility site until it can be taken to Nevada. It also provides no help in moving waste from DOE defense sites located in communities that have done more than their share for the national good.

Second, the bill provides no assurance that the ratepayer money will be used in the nuclear waste program, but it continues to allow it to be diverted to other uses. Nearly $8 billion in taxpayer money has been siphoned off for other purposes; and, without this money, DOE will face funding shortfall in 2003. Unlike the House bill, which would have assured money paid into the nuclear waste fund will stay there, the Senate bill, which we have before us, only assures that the shortfalls will occur when the money is most needed.

Third, the Senate bill does nothing to resolve the litigation questions that plague the DOE program and to ensure that payments for these suits will not drain the nuclear waste fund. These suits amount to billions of dollars, probably $8 or $10 billion at this time, and the number is growing. CBO estimates that there will be $400 million in litigation costs in addition to this between 2000 and 2009 because nothing is done to prevent that from occurring under this legislation.

The bill, in fact, is going to create more lawsuits. And while it fraudulently purports to address the litigation issue, it does not do so until the year 2006 or 2007 and under terms that CBO said were too vague to score. Without an interim storage facility, which this bill does not provide, the utilities' cost and the legal damages, for which the taxpayers are going to probably be liable, will continue to mount.

In short, if Members want nuclear waste to continue to pile up in their district or State, if they want ratepayers to continue to spend money for nothing, if they like lawsuits and want to see more of them, then they should vote for this bill.

We do need a good nuclear waste bill. This is not it. It does more harm than good and, as I have mentioned, it is nothing more or less than bait and switch. It is a sham. It is a fraud upon this body. And we will be sorry if we pass it, because we will delay a resolution to the questions that we should be addressing if the Committee on Rules and the leadership had given us an opportunity to consider these matters under an open rule.

Madam Speaker, I reserve the balance of my time.

Mr. UPTON. Madam Speaker, I yield 7 minutes to the gentleman from Nevada (Mr. GIBBONS), my good friend and, on this issue, a very good adversary.

Mr. GIBBONS. Madam Speaker, I thank the gentleman from Michigan for yielding me this time, and I thank also my other colleague and friend from Michigan for labeling this bill just exactly what it is: A turkey.

Madam Speaker, I rise in strong opposition to this bipartisan bill. It is important that the House of Representatives realize the disastrous impacts S. 1287 would have on the State of Nevada. The issue before us is whether this bill is necessary and whether it is an erroneous waste of time since the Senate has already voted and received enough votes to sustain a promised veto by President Clinton.

This body should not allow short-term political pressure to become serious long-term health and safety problems hundreds of years from now. As Nevadans, we believe that standards based on sound science, along with the protection and welfare of this Nation's citizens, should become our fundamental threshold when we debate this bill today.

Senate bill 1287 will mandate upon the State of Nevada and this Nation the transportation of high-level nuclear waste on a scale unprecedented in history while failing to address the issues of safety and the general well-being of its citizens. The deadliest material ever created, Madam Speaker, would hit the Nation's roads and rails, bringing with it the risk of transportation accidents with the most lethal and toxic proportions.

Many in this chamber have fallen under the false pretense that we have been shipping nuclear waste all along and, if we have done it before, we can do it again. This is a dead wrong assumption. Between 1964 and 1997, there were only 2,913 shipments of used nuclear fuel, which I would like to point out had its share of accidents. Senate bill 1287 would mandate that over 100,000 shipments of high-level nuclear waste over the next 30 years be sent to Nevada. This is a 4,350 percent increase in just the number of shipments alone.

To understand the seriousness of the accidents, consider an analysis done by

the Department of Energy on the repercussions of a rural transportation accident. The study, part of a 1986 environmental assessment for Yucca Mountain, warns that a serious accident would contaminate 42 square miles and require 462 days to clean up at a cost to the American taxpayer of $620 million. That was from the Department of Energy.

Does it make sense for anyone to take these unnecessary chances, especially if the accident happened in their district? Realize that over 50 million people live within one mile of the transportation corridors selected for this nuclear material, and these will be our voters and our constituents.

Not surprisingly, Senate bill 1287 fails to use best available science when developing shipping casks. The bill defies logic and does not even require real full-scale testing of nuclear waste shipping containers. So let us get this straight. There will be a 4,350 percent increase in deadly nuclear waste shipments, it will cost $620 million to clean up an accident, and the bill does not even require full-scale testing of the nuclear shipping containers.

For many years, I, and many other Members who oppose this legislation, have urged the debate to be governed by two principles: First, that all decisions with regard to storage of dangerous high-level nuclear waste be made according to science, not politics; and, second, that the health and safety of Americans always be paramount in our concern.

Unfortunately, 1287 blatantly ignores these two principles. It includes provisions that shift responsibility for developing standards for acceptable levels of human radiation exposure from the Environmental Protection Agency, which has lawful jurisdiction over setting such standards, to the Nuclear Regulatory Commission.

The NRC has virtually no experience in either protecting the civilian population from health risks or in determining the impact of radiation on natural resources, such as groundwater. In fact, NRC's proposed Yucca Mountain standards include no radiation standards for groundwater contamination, even though nearby communities rely heavily on groundwater for their drinking water supply.

Senate bill 1287 also mandates an unrealistic and unnecessary timetable for shipping nuclear waste to Yucca Mountain. The bill also proposes a costly temporary storage facility, which is conveniently called in the bill a backup storage facility, and will be in place well before science dictates whether or not Yucca Mountain should be licensed as a repository.

Moreover, Madam Speaker, the bill's language is crafted to protect the nuclear industry from angry customers because it essentially caps the rate charged to utility customers who use nuclear electricity. Unfortunately, there is not enough money generated by the nuclear electric customers to finance the nuclear waste trust fund, which was created to ship the waste and construct, operate and maintain a high-level nuclear repository for 10,000 years. Therefore, the hardworking American taxpayer will soon be footing the bill for this multibillion dollar bill. Again I say to all my colleagues, these are our constituents.

As we know, there are ongoing studies at Yucca Mountain to determine if it is suitable to become a permanent repository. All of these studies work within certain parameters to determine issues such as safety. Senate bill 1287 ignores these parameters and deletes the metric ton limit currently placed on Yucca Mountain. This last-minute change would disqualify the ongoing scientific studies at the site and would be similar to placing a dump truck load of sand into a wheelbarrow.

Finally, let us look at the facts and the Earth science surrounding Yucca Mountain. In the last 20 to 30 years, there have been over 634 earthquakes, and 13 of those earthquakes have occurred in the last 30 days. We could not site, license or construct a nuclear power plant on the site where this nuclear waste facility is to be constructed. It is not safe. And I ask my friends and colleagues in this body to vote against this untimely and unfortunate measure.

Mr. DINGELL. Madam Speaker, I yield 4½ minutes to the distinguished gentleman from Virginia (Mr. BOUCHER), the ranking member of the subcommittee.

Mr. BOUCHER. Madam Speaker, I thank the gentleman from Michigan for yielding me this time. It is with a strong sense of regret that I rise in opposition to S. 1287.

I recently became the ranking member of the Subcommittee on Energy and Power of the House Committee on Commerce. The Subcommittee on Energy and Power has a long tradition of working on a bipartisan basis to address our Nation's energy security in a manner that is both serious and thoughtful. Whether under the chairmanship of Phil Sharp or Dan Schaefer, we have always tried to put the interest of our Nation ahead of the allure of partisan advantage. That tradition is being upheld today in a truly excellent fashion by our current subcommittee chairman, the gentleman from Texas (Mr. BARTON), and the process of creating sound energy policy is advanced by it.

Nowhere has that bipartisan spirit been more in evidence than in our efforts to solve our Nation's nuclear waste problems.

□ 1315

In each of the last three Congresses, Republicans and Democrats representing a broad array of political viewpoints have banded together to draft nuclear waste legislation; and the result has been that these bills have been approved by the House Committee on Commerce by overwhelming margins each time, including a victory just this past May of 40 votes in favor to only six votes opposed.

That type of bipartisan work led to a clear and convincing victory in the last Congress when the nuclear waste legislation reported by the House Committee on Commerce was approved in this House by a veto-proof majority of 307–120.

Unfortunately, the bill that we are considering today flies in the face of what we did just 2 years ago. Let me quickly highlight some of the many differences between what the Members accomplished 2 years ago and what they are being presented this afternoon.

The central element of the bill passed by the House 2 years ago was the construction of an interim storage facility so that waste could be moved from their States to Yucca Mountain beginning in the year 2002.

The bill currently before us does not authorize construction of that vitally needed interim storage facility. It seems to require DOE to begin receiving waste at the site 18 months after the NRC grants a license to construct the repository sometime around the year 2006. However, this is not a schedule that the Department can meet even under the best of circumstances. And for reasons I will lay out in a minute, DOE is not likely to be operating in a best-case scenario.

Now, some proponents point to a provision of section 102 of the bill that authorizes something called backup storage capacity as somehow being similar to interim storage, but that is simply not accurate. The provisions of section 102 are so narrowly focused that only two utilities, if any, could benefit from the provisions of that section.

Another central tenet of the bill that was passed in the 105th Congress, as well as the bill reported this year by the House Committee on Commerce, is that all of the money ratepayers pay into the nuclear waste fund must be used exclusively for the nuclear waste program. Ratepayers have paid more than $11 billion into the waste fund to date, and only a fraction of that money has been spent on the waste programs.

Not only is that wrong as a matter of principle, but without rectifying the funding situation, DOE will not be able to open a repository in 2010, let alone in the year 2006, clearly in not a best-case situation.

There are many other differences between this bill and the bill we passed in the last Congress. But let me point to just one final crucial point of departure. This bill contains language that would tie our ability to transport waste to Nevada in knots.

Madam Speaker, this legislation is clearly not well crafted. It will not further the policy of objectives that we sought to achieve in the House on a bipartisan basis. And I am deeply concerned that the actions we are taking today, for no apparent positive purpose, may do irrevocable damage to our

chances of ever enacting the nuclear waste legislation that is so vitally needed.

So more in sorrow today than in anger, and as a long-time supporter of nuclear waste legislation, I urge my colleagues to join with me in voting no on this measure.

Mr. UPTON. Madam Speaker, I yield myself 30 seconds just to respond.

Madam Speaker, I appreciated the leadership of both the gentleman from Michigan (Mr. DINGELL) and the gentleman from Virginia (Mr. BOUCHER). They were terrific as we moved H.R. 45, as well as were other members of the committee.

But the major change between the two bills is the interim storage facility. It was the administration that sent us that letter and said, we will veto the bill unless you take that provision out. We took their word for it, and yet they still were not there. It really was Lucy and the football. We did what they asked. The Democratic administration refused to play ball. And here we are today.

Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), a member of the Committee on Commerce and a viable Member on this issue.

Mr. NORWOOD. Madam Speaker, I rise reluctantly to oppose my friend, the gentleman from Nevada (Mr. GIBBONS). But I do admire a worthy opponent, and he most assuredly has been that.

I also find it very interesting that I rise and agree with both of the gentlemen from Michigan. The senior Member from Michigan, my good turkey-hunting buddy, has called this bill a turkey; and he and I both know that the turkey is a noble bird. We both know that had it been left to Ben Franklin, of course, that would be one of our national symbols.

So we are ending up with a bill that does not really suit any of us on the Committee on Commerce. We would much rather have our bill. And I am going to support this bill not because I think it is a perfect bill. It is far from that. There are many aspects of this bill that I would certainly like to see changed. I am particularly disappointed that there are no interim storage or take-title provisions, among other things. But, in short, this is a seriously watered down bill.

Now, I support this bill because I am sick and tired of the President playing games with this important issue; and I, for one, am ready to call his bluff. He says he wants to support responsible management of our nuclear waste. Yet every single time, every single time we have made a concession and moved his way, he says it is not good enough and wants more. It has happened every time. It is a classic case of moving the goal post.

It is, obviously, that he does not want a bill to sign. He wants to play politics with this issue like he does with many other issues. We have haggled over and over on the details of this legislation for years now. The only remaining question is whether or not the President will honor a Federal responsibility to store this waste at one site instead of dozens of sites all across the country.

It is my guess that he will not. Since passage of the Nuclear Waste Passage Act of 1982, ratepayers have committed $17.5 billion, and $573 million of those came from Georgia, into the nuclear waste fund for the purpose of building a permanent home for spent nuclear waste. The original deadline was 1998.

The only reason in the world that we do not have a law and a good law that came out of the House and came out of the Committee on Commerce is that the President of the United States is playing politics with hazardous nuclear waste. It is just that simple.

So I say to both of my friends from Michigan, we are doing the best we can do in view of the fact that we have had an administration that did not recognize the great bill that came out of the Committee on Commerce. Now let us see if he will honor his word and sign a watered down bill.

Mr. DINGELL. Madam Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Speaker, I thank the gentleman from Michigan (Mr. DINGELL), my distinguished ranking member, for yielding me the time to speak on this important issue.

Madam Speaker, I rise in opposition to this legislation. We must stop attempting to pass a nuclear waste bill merely to say we have passed a bill. This is high-level nuclear waste we are talking about sweeping under the rug here, not just household dust; and it must be treated accordingly.

As we all know, one of the more important issues we face at the beginning of the 21st century is how to dispose of our spent nuclear fuel. Solving this issue is essential to the future environmental health and safety of this country.

Unlike some, I am not unequivocally opposed to storing the fuel in one safe centralized location. Unfortunately, this bill does not accomplish this very important goal.

This bill will allow Yucca Mountain to be used as a default temporary storage facility because we will not be able to do the adequate testing to first determine its true viability as a permanent storage facility.

I visited Yucca Mountain last year, and I toured the site. I was very encouraged about the progress that was being made towards certification as a permanent site. But we cannot rush this testing. We cannot move up the water seepage test or the heat test or any of the other tests. Instead, what we are trying to do is take this action before the study is completed. This is dangerous and this is ill-advised.

I asked the scientists when I was there where the temporary storage would be until it was certified; and they said, well, they could put it over there or they could put it over there, whatever they decide. I do not think this is sound nuclear policy.

I am equally troubled by the dangerous potential for accident during transportation of the fuel through dangerous mountain passes and heavily populated urban areas, both of which we have in my State.

In 1984, in this overpass in Denver, Colorado, we narrowly survived a brush with disaster from deadly cargo when a tractor trailer carrying a torpedo rolled over right here in the Mousetrap in central Denver and endangered millions of people in the metropolitan area. Luckily, the torpedo did not explode. But it shut down the entire city of Denver for an entire day.

Imagine if we do not have local involvement in these transportation decisions what high-level nuclear waste will do.

Madam Speaker, rushing to pass a very flawed bill is not smart public policy. Rather, it is a political act to force the President to once again veto a bad bill. Let us do the science. Let us do the science right. Let us survey a site. Let us have involvement from local transportation officials, and let us have smart transportation routes before we go anywhere.

Madam Speaker, like my colleagues, I believe that we should vote down this turkey, as my distinguished ranking member says, and go back to the drawing board.

Mr. UPTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, we have been at this for about 18 years. That is when we passed the first nuclear waste bill. And we kind of set it up like a legit process. We were going to send out all these scientists, and they were going to try to find the best sites in America to characterize in order to take all of this nuclear waste for the rest of eternity or 20,000 years, whichever came first, which is quite a scientific task.

Then we reached 1987 and all of the scientists figured out that maybe we could put it in Washington State. But at that point the majority whip was from Washington State, so he said, I do not want it in Washington. And then the next one on the list was Texas. But the Speaker at the time came from Texas, so he said he did not want it. And then Louisiana. But the Senate energy committee chairman came from Louisiana, so that one was off. Then we had Mississippi. And we know who represents Mississippi. That one was off.

So it came down to handing over the nuclear queen of spades to Nevada, picked by this incredibly distinguished group of scientists here on the House floor, notwithstanding the fact that there is an earthquake fault about 100 miles away from the site.

Now we come back 13 years later, and we are about to say that we are going

to authorize 100,000 truckloads of nuclear waste to start heading toward Nevada, kind of mobile Chernobyls out on the street heading towards Nevada.

Have my colleagues ever noticed that, in any of these prison movies, they never break out of prison; it is usually when they put them on trains or trucks that they figure out how to break out of the train or the truck, the fugitive. Well, we have to think of these like loose nukes out on the streets of America.

Maybe a driver that went out last night and had a little toot, unfortunately now careening through our neighborhoods, 50 million people's homes are going to be driven by with this nuclear waste. And this bill says that, believe it or not, if the driver engages in gross negligence, willful negligence, that the trucking company is not liable.

Just think of the disincentive that that would create for a truck driver to get a good night's sleep the night before and not to have that little extra beer before they close up the joint at 2 in the morning and then they careen these trucks right through our neighborhoods. Well, this bill does not allow us to build in any safeguards, any liability for the trucking or for the railroad firms.

In addition, we used to have Elliott Ness and Al Capone. Well, we call these contractors now the untouchables. Cannot get them. It is bad precedent. We would not do it for any other part of American commerce if they were trucking or a railroad. But, in this bill, they do so.

This bill must be defeated. I urge a very strong ''no.''

□ 1330

Mr. UPTON. Madam Speaker, I yield 4½ minutes to the gentleman from the great State of Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Madam Speaker, I rise in support of this bill, and I commend the gentleman from Michigan (Mr. UPTON) as well as the Committee on Commerce's efforts in pressing for responsible nuclear waste legislation.

It is high time we took the bull by the horns and dealt honestly and professionally with the issue of nuclear waste.

We might ask why, why is this piece of legislation needed now? The answer, Madam Speaker, is very simple. We rely on civilian nuclear power plants for almost one quarter, let me repeat that, almost one quarter of our Nation's electric power supply.

Last year, our 103 nuclear power plants, which is down from a few years back, were more productive than ever before by producing safe, reliable, inexpensive electricity, more than ever before.

Nuclear power is one piece, and by no means, a small piece. It is a part of the engine that drives the American economy. We cannot afford to be small-minded and throw up our hands and walk away from this issue; something must be done.

The thousands of tons of radioactive fuel currently sitting in spent fuel pools across this Nation cannot sit there forever. The United States Government made a commitment to the Nation's nuclear utilities and to its people, a commitment that it would build a repository and begin receiving spent fuel in 1998, a responsibility under law passed in this very Chamber. That deadline is well passed, and a most optimistic estimate for what the Department of Energy now says to begin taking shipments would be the year 2010.

The failure by the administration and DOE to live up to its responsibilities is now forcing the nuclear industry to expend considerable sums of money to construct additional storage. This after those same utilities have kicked in over $12 billion to the Federal coffers for the expressed purpose of constructing a geologic repository.

It is very clear that something must be done, and S. 1287 is a step in the right direction. We have to face reality, the reality of the Clinton administration's lack of leadership with respect to nuclear power and nuclear waste, the reality of opposition by the Nevada delegation in the Senate, and, most importantly, the reality that we, as a Nation, desperately need a repository. And Yucca Mountain is the best place in this country for it to be built.

The amendments to the 1982 act found in this bill will get us back on track by setting up a mechanism through which the costly legal battles between the utilities and the Government are resolved. It sets out the necessary milestones to be met and provides for early receipt of Yucca Mountain spent fuel or spent fuel for Yucca Mountain, potentially as early as 2006.

It is a vital step, Madam Speaker, for those plants with limited existing storage capacity. It ensures that transport of the depleted fuel is done safely along the lines established for the Waste Isolation Plant.

Let me assure you that the transport of spent fuel along the Nation's highways and railways is safe. With over 3,000 shipments since 1964, and shipping casks that can withstand the impact of a speeding locomotive, we certainly know how to safely ship radioactive waste. And S. 1287 leaves the setting of radiation standards up to the EPA and ensures that EPA is aided in its decision by the formidable scientists and engineers at the National Academy and the Nuclear Regulatory Commission.

We need to allow sound science to guide us here and remove the setting of radiation standards from the political arena.

Madam Speaker, Yucca Mountain is perhaps the safest place in the world to store spent nuclear fuel. S. 1287 protects the citizens of Nevada and protects those living near the plants and along the transport routes. The administration has been irresponsible in its failure to live up to its obligations. S. 1287 gets it back on the path to a permanent solution for our Nation's nuclear waste.

Madam Speaker, we need to send to the President S. 1287, and he should sign it. I urge and I vote for this bill.

Mr. DINGELL. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I thank the distinguished gentleman from Michigan (Mr. DINGELL) for yielding me the time.

Madam Speaker, at the close of debate I will offer a motion to commit S. 1287 to committee. I oppose S. 1287 because it would irresponsibly ship nuclear wastes to Yucca Mountain, a location that scientific evidence has established cannot safely contain the massive heat and radioactivity generated by 100,000 tons of high-level nuclear waste.

After more than 15 years of study, it is clear that Yucca Mountain is not what Congress had in mind when it set high standards for finding a nuclear waste disposal site. A nuclear waste site must be free of groundwater contamination for many, many centuries to come; but Yucca Mountain is now known to be at high risk for water contamination that will speed the release of radioactivity into the water supplies over a vast area of the Nevada desert.

A nuclear waste site must be free of earthquakes, but Yucca Mountain is in one of the more active earthquake zones in the country. It has been shaken repeatedly, even over the past year, by severe earthquake jolts. And a nuclear waste site must be free of volcanic activity, but scientific findings show that Yucca Mountain is subject to potential eruptions deep within the earth that could cause a catastrophe of unimaginable proportions.

I offer this damaging assessment of Yucca Mountain as a backdrop to the many flaws identified with S. 1287. Bills like S. 1287 only exist because they offer a political, not a scientific, approach to the Nation nuclear waste problem.

S. 1287 is the latest ploy in a long line of actions that have been taken to undermine the tough standards for a nuclear repository that Congress established 18 years ago. S. 1287 constrains the Environmental Protection Agency from implementing their final rule for radiation standards, at the same time this bill opens up the door to making radiation standards a political exercise in the hope that a new administration would shift its policies away from strong radiation standards towards more lax limits on radiation exposure.

S. 1287 also takes a dangerous and arbitrary position by mandating that high-level nuclear waste would be shipped to Nevada beginning in the year 2006, years before testing and construction at Yucca Mountain could possibly be completed.

There is absolutely no logic to sending high-level nuclear wastes to Nevada, the most dangerous substance known to mankind, to a place that it is not safe to begin with and certainly would not be ready to safely accept this toxic garbage.

It is an outrage that the Republican leadership is even considering this legislation. Common sense should dictate that in the light of a promised presidential veto and the ability for the Senate to sustain that veto, that we waste not one more moment of our precious time with this issue.

Let us focus our time and energy on fighting for prescription medication for our seniors, a Patients' Bill of Rights, finding ways to protect Social Security and Medicare, and other important issues confronting this great Nation.

Mr. UPTON. Madam Speaker, I yield 5 minutes to my friend, the gentleman from Texas (Mr. BARTON), a member of the Committee on Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, I rise in opposition to the pending legislation before the Congress. I am the chairman of the Subcommittee on Energy and Power that has jurisdiction over this issue. I have held numerous hearings on this issue. I have been in Nevada several times on this issue. I have met with State officials, local officials, and county officials in Nevada on this issue; I have met with the Nevada delegation on this issue. And I want a solution to the problem. I do not believe that there are any Members more committed to a long-term solution to our nuclear waste disposal issue than I am. Having said that, I think the Clinton administration has been absolutely opposed to any reasonable approach to this for 8 years. It appears they are going to succeed in stonewalling a solution in the next year.

I think the world needs to know that since 1998, Federal law requires that the Federal Government take title and take responsibility for the nuclear waste that is in existence from our civilian reactors. The Clinton administration has not done so. They are in violation of Federal law. They are subject as we stand on the House floor to billions of dollars of penalties.

Having said that, if we are going to pass legislation, I think what we ought to do is solve the problem. I give Senator MURKOWSKI all the credit in the world in the Senate for trying to craft a political compromise that might not be subject to a presidential veto. He tried very hard. Unfortunately, he was not successful and in so trying to reach that compromise, he watered down the bill so much that it solves none of the major policy issues that need to be solved.

Let us go through those. Number one, we actually have to have the funding to build the repository. We have put about $15 billion into the nuclear waste fund since 1982. There is still in the neighborhood of $10 billion in the fund. The House bill with the support of the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. HALL) and the gentleman from Virginia (Mr. BOUCHER), the leadership on our side, the gentleman from Virginia (Mr. BLILEY) and myself, we solved it. We free up the nuclear waste fund to be used to build and operate the nuclear waste depository. The Senate bill does nothing on that, so you are not going to fund the program. You cannot build a depository with $400 million a year. The Senate bill is fatally flawed on that one issue alone.

What about interim storage? Again since 1998 we are in violation of Federal law. The House bill does two things. It actually funds the building of an interim storage facility that takes the waste beginning in 2003. It also incorporates the Secretary of Energy's recommendation on the take-title option in place. The Senate does neither of those. It strips out the take-title option, and again it has no funding to build an interim storage facility. It has something called early acceptance in 2007 which again will never happen because the funding is not there. So it fails on the interim storage front.

What about the radiation standard? The House again responsibly sets a responsible radiation standard. We put the Nuclear Regulatory Commission in charge of that standard. The Environmental Protection Agency has been sitting on their hands for 18 years claiming vaguely some sort of jurisdiction but doing nothing about it. The House takes the responsible position. The Senate tries but what they basically do is prevent the EPA from issuing a standard for 18 months which punts the issue into the next administration, so the Senate bill fails on that.

What about the transportation issue that the gentlewoman from Colorado spoke about? The House has a very responsible transportation plan that the gentleman from Michigan (Mr. UPTON) and the gentleman from New York (Mr. TOWNS) have worked on in past Congresses. The Senate sets up a cumbersome mechanical process, requires 3 years of specific training by the Federal Government in each State, which is I think inviting endless litigation and appeals by the State governors. I would have to say the Senate fails on that issue.

So if we look at it on policy issues alone, I do not believe one independent, informed observer who has followed the issue for the past 15 years would say the Senate bill solves the problem. In fact, I would say just the opposite. They would say the House has acted responsibly, has a solution that would work. The Senate in trying to craft a compromise that the President might accept had to so back away, in my opinion, that the Senate bill even if the President were to sign the bill, which he says he will not, does not solve the problem. So the responsible policy vote in my opinion is a no vote on the Senate bill.

I want to commend the House leadership for trying to bring the issue to the floor. I believe that they have tried to act in what they think is the best interest of the House, but they have not put the best policy option on the floor. We should reject this, bring up the House bill, then try to go to conference with the Senate.

I reluctantly rise in opposition to S. 1287. I certainly agree with bill supporters that our Nation needs a comprehensive nuclear waste solution. But this legislation does not go far enough to address the critical issues that would actually get spent nuclear fuel out of our communities and where it needs to go, and in proper time.

Probably everyone who votes yes today would also vote in favor of H.R. 45, the Nuclear Waste Policy Act of 1999. In fact, the House bill would receive even more support, likely constructing a bipartisan veto-proof margin of more than 290 votes. On April 21 of last year, for example, the House Commerce Committee passed H.R. 45 on a bipartisan vote of 40 to 6. I thank Chairman TOM BLILEY, Ranking Member JOHN DINGELL, and my other committee colleagues for their work across both sides of the aisle.

On February 10 of this year, the Senate passed this legislation, S. 1287, by a vote of 64 to 34. I applaud the Members of the other body, particularly Senate Energy Committee Chairman FRANK MURKOWSKI, for their efforts to get a strong vote. The Senate took a different approach in its efforts to find a comprehensive solution, and came close to a two-thirds vote, but the Senate vote at least makes clear that a significant majority in Congress supports nuclear waste legislation.

The current administration, however, flaunts the bipartisan will of the Congress with a series of irresponsible veto threats and coalition-breaking efforts. When the Commerce Committee passed H.R. 45 by that overwhelming 40 to 6 vote, the administration chose not to work with us—instead it said it would veto our bill. When the Senate neared the magic 67 votes necessary to override, the only contributions from the White House were a moving of the goalposts and, yes, more veto threats.

I applaud Speaker HASTERT and the Republican leadership fro their continued support of nuclear waste legislation. I understand the constraints on time here and in the Senate that permit us to consider only the Senate bill, without amendment. I do not question the intent in scheduling this bill for floor consideration.

I only wish President Clinton and Energy Secretary Richardson offered a genuine willingness to work with the Congress in a House-Senate conference committee. Instead, this administration continues to stonewall progress toward a real solution and even obstruct our own efforts to find a compromise. Three times Federal courts have ruled that the administration is violating Federal law by ignoring its legal duty to begin acceptance of spent fuel in 1998. Despite these rulings, over the past 8 years the administration has never once offered a solution to the nuclear waste disposal problem. Instead, the administration has focused its energies on obstructing reasonable congressional solutions. Perhaps a real solution will have to wait for a future administration.

When we face an administration so completely uncooperative, we should not lower our sights and pursue the lesser bill. The House bill, H.R. 45, would provide for a safe and licensed interim storage facility while the permanent site is completed and tested. H.R. 45 would move the Nuclear Waste Fund off-budget, a crucial step to ensure funding for the completion of the work at the depository. Our funding solution ensures that the ratepayers, in return for the $15 billion they have already paid to the Nuclear Waste Fund, get the repository that the Federal Government promised to them. If we do not fix the funding arrangement, the general taxpayers will eventually get stuck with the costs of nuclear waste disposal. Even Secretary Richardson testified that the permanent repository program faces a serious funding shortfall in the coming fiscal years.

H.R. 45 provides a safe and efficient intermodal transportation to the Yucca Mountain site, avoiding shipments through Las Vegas. H.R. 45 requires the Nuclear Regulatory Commission to issue a radiation protection standard, finally placing that rulemaking in the proper hands. By requiring a cessation of lawsuits after performance by the Department of Energy, H.R. 45 would instill incentives for utilities to settle outstanding cases and get the waste on its way to the repository. Finally, the schedules in H.R. 45 are realistic and achievable in large part because it provides a secure source of adequate funding for the entire program. By contract, the schedules in the Senate bill (2007 for early acceptance, 2010 for the permanent repository) will never happen without sufficient funding to meet those deadlines.

Looking forward, this administration claims to support nuclear energy, yet it refuses to take the number one step to regain the nuclear power option. Much is said about our dependence upon foreign oil, yet this administration continually tries to find new ways to use the Clean Air Act and other laws to block domestic fossil fuel development. If we solve the nuclear waste problem, we remove the major impediment to constructing new nuclear power plants and at the same time can provide the Nation with a zero-emission source of power.

While the debate on nuclear power's future is for another cay, our current situation cannot be ignored. Spent nuclear fuel continues to accumulate at reactor sites around the country, and the financial liability against the Federal Government grows larger every day. But let no one doubt the readiness of my Energy and Power Subcommittee, the Commerce Committee, the House of Representatives, or the U.S. Congress to address the nuclear waste issue responsibly and on a bipartisan basis.

I promise all of my colleagues that I will return here to stand on the floor in support of comprehensive nuclear waste legislation when we can make good public law. Unfortunately, that will have to wait for a day when we have the votes in both Chambers to override a Presidential veto in both Houses, or better yet when we have a President who will work in good faith with a bipartisan Congress to solve this vital issue.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Madam Speaker, first of all I want to recognize the gentleman from Michigan (Mr. DINGELL) for his efforts and the gentlewoman from Nevada (Ms. BERKLEY) for fighting very hard on an important issue that is impacting not only their districts but the districts throughout the Nation. I commend them for their effort in bringing this awareness to a lot of us. All of us care about legislation. We care about good legislation. This is not good legislation. It should not be done just for the sake of creating legislation and having a nuclear waste dump in Yucca Mountain. It should be legislation that is positive, legislation that has taken in every safeguard. It should have allowed the input. It did not allow the input. We have many people that are going to be affected. This is a bad bill, especially for my district and Members from Southern California.

This bill does not accurately address the serious issues of highly radioactive nuclear waste being shipped to Nevada. Currently it is estimated that transportation of spent fuel to Yucca Mountain will involve over 100,000 shipments by trucks and trains.

□ 1345

Can we imagine 100,000 shipment of roads and highways and rails through at least 43 States over the next 30 years? Can we imagine if there was a derailment in the area? I know that in California not too long ago we had a derailment in that immediate area with an explosion that affected many individuals. We recently had some of the trucking industry that had a derailment in that area that had the trucks and traffic that was delayed for some period of time.

Can we imagine how many people would be affected in that area without a safety plan, without an emergency plan? It is important that we also know that the Americans and individuals are informed as to what are the safety precautions if, in fact, something was to happen.

Many individuals utilize our freeways and our highways. If, in fact, they could not get to work, what alternate plans or routes would be there? How would we be working with the communities in the area with the fire chiefs, with the police department, with the emergency response team, to notify them of this shipment?

We need to begin to address this issue. It is important for all of us to make sure that we protect our children, we protect our communities but that we do have good legislation that impacts us not to have legislation for the sake of putting legislation before us.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Madam Speaker, let me thank our ranking member, the gentleman from Michigan (Mr. DINGELL), for his leadership on this issue.

Madam Speaker, I rise in opposition to the Nuclear Waste Policy Amendments Act. This bill promotes bad environmental and health policy and it does not allow the EPA to issue public health and safety standards for waste storage in Yucca Valley.

In addition, it does not authorize the Department of Energy to build interim storage facilities or take responsibility for utility waste storage on-site. This process that we are using to consider this bill is a perfect example, Madam Speaker, of how partisan politics have degraded the legislative process. Rather than to bring the House version of the bill to this body, we are considering a Senate measure which does not even garner enough votes to override a veto.

Moreover, we are not being given the opportunity to offer amendments that might bring about some level of bipartisan compromise on this issue.

There are at least 8 amendments that have been offered as a means to strengthen S. 1287. I am a cosponsor of one such amendment which promotes fiscal responsibility. My amendment allows utilities to invest the surcharge nuclear utilities pay to the Department of Energy. Interest earned on this investment would be used to fund on-site storage.

The Department of Energy's obligation to store the waste until a permanent facility is completed is met, and taxpayers' money is saved. My amendment further would create an incentive to speed up the development of a permanent facility.

Madam Speaker, I am dismayed at the fact that my colleagues and I are not able to present our amendments, which would bring about needed reform in nuclear waste disposal. I urge then all of my colleagues on both sides of the aisle to oppose this measure.

Mr. UPTON. Madam Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT), my friend and a leader on this issue.

Mr. GUTKNECHT. Madam Speaker, I thank the gentleman from Michigan (Mr. UPTON) for yielding me the time.

Madam Speaker, I am not an expert on this issue but I do know a little bit about it; and if we look back at history, this all started back in the 1950s when the Federal Government made an agreement with the utilities industry and said they will build these nuclear power plants which we believe to be a peaceful way to use nuclear energy, we will take responsibility for the spent fuel. That was the 1950s, and that was the policy under which a lot of these plants were built.

I do not know why we are here, to be honest. We passed back in 1982 a bill which said, yes, in fact, the Federal Government would take possession of spent nuclear fuel beginning on January 31, 1998.

Why are we here? I think we have been clear all along, Federal policy has been that the Federal Government

would take responsibility for spent nuclear fuel. In return for that, ratepayers have paid over $13 billion in additional fees that were supposed to go to help develop a nuclear spent fuel repository. That money has been collected. Ratepayers in my region have paid over a billion dollars, and yet we are still arguing here on the House Floor whether or not the Federal Government is going to be responsible for this spent fuel.

There is no question the Federal Government is responsible. We should not have to even be here passing a bill.

Now some Members have said this bill is not perfect. I agree, but we have to do something. This is the best chance we have.

Madam Speaker, I hope Members will join with me in supporting this very important legislation. It is important not only to the ratepayers but to people who use energy all over the United States.

We have an energy problem in the United States. Shutting down nuclear power plants is not the answer.

Mr. DINGELL. Madam Speaker, I yield myself 4½ minutes.

Madam Speaker, we heard a remarkable speech from my good friend from Texas, a man of remarkable courtesy and courage and decency, wherein he addressed the problems that exist with regard to this bill. I want to express again my affection and respect to my good friend, the gentleman from Michigan (Mr. UPTON), who has handled the bill for the majority.

The simple fact of the matter is this is a bad bill. This is a bad procedure. What we find ourselves confronting is a bill which will be vetoed, a bill which does not have the chance of getting a veto-proof majority. It does not address the problems which confront us with regard to the handling of nuclear waste or what is required in the way of good nuclear waste legislation, but substitutes a Senate bill which everybody recognizes is inadequate.

Why we should pass a bill recognized as inadequate is beyond my ken, particularly since it does not address the problems and since it triggers opposition by many of us, like myself, the gentleman from Virginia (Mr. BOUCHER) and other colleagues on the committee, who have staunchly supported the resolution of this problem by the passage of proper legislation.

We supported the bill so ably handled by my good friend, the gentleman from Michigan (Mr. UPTON), in which the process was led by the distinguished gentleman from Texas (Mr. BARTON).

We supported the bill which passed the House last year. Why? Because we thought that those two pieces of legislation were good bills; that they took steps towards resolving a major national problem and did so in a fair and a proper way.

This legislation does not resolve it. It does not deal with the problem of short-term waste. It, in fact, probably delays the time when utility waste and defense waste could be taken to Yucca Mountain. It does not provide the utilities with the choice of interim storage in Nevada. It does not restore the $11 billion paid by ratepayers to fund the program. It does not ensure there will be enough money to pay for the repository program. It does not expedite transportation of waste from my colleagues' States or my State to Nevada. In fact, it creates a situation which will probably tie up efforts to move waste to Yucca Mountain in knots for years to come.

The interesting thing about this whole process is for some strange reason the leadership on the other side came to the conclusion, and I do not mean my colleagues on the committee but the leadership came to the conclusion that they would put the Senate bill on the floor. There was no consultation with the committee. There were no hearings on this. This bill was held at the Speaker's table. The legislation, if it had had hearings, would have become very plain.

It does not resolve the problems. We have not addressed any of the real concerns that had triggered the enactment or rather the reporting of the original House bill from the Committee on Commerce, in a bipartisan exercise. The result here is that we are passing a bad bill, under a gag rule, under a bad process, in a fashion which, very frankly, assures we do not address a major national problem; and in fact we are creating further problems, including further litigation and the possibility of large losses to the taxpayers both in terms of the corpus of the fund because of judgments and also because of huge litigation costs that are going to arise.

Clearly, we need to address the problems of procedure and have a procedure which is fair and sensible. Equally, it is clear that we need to address the fact that the substance of this bill affords no relief to the industry, does not resolve the problem and leaves us with a future mess on our hands.

I urge my colleagues to reject the legislation, vote it down or recommit it to the Committee on Commerce. Let us put a decent bill on the floor and let us do it under a process which lets the House work its will. I would have offered the Committee on Commerce's bill, which was sponsored so ably by my good friend, the gentleman from Michigan (Mr. UPTON).

The Committee on Rules and the leadership denied us that right. Not just to me but to all of us, to my colleagues on both sides of the aisle, many of whom strongly desire to have a good piece of legislation because we know that the resolution of this question or these questions is in the national interest.

Regrettably, we are rejecting that opportunity to pass a piece of legislation which will be vetoed by the President; and which I can guarantee cannot muster the votes, either to see an override of that veto in the House or in the Senate.

This is an exercise in futility; and it, quite frankly, is a shameful waste of the time of this body.

Madam Speaker, I yield back the balance of my time.

Mr. UPTON. Madam Speaker, I certainly appreciate the kind words from my friend, the gentleman from Michigan (Mr. DINGELL), and to close I yield the balance of our time, 4 minutes, to the gentleman from Louisiana (Mr. TAUZIN).

(Mr. TAUZIN asked and was given permission to revise and extend his remarks.)

Mr. TAUZIN. Madam Speaker, the objections to this bill are, in fact, process and schedule. The objections are that perhaps a better bill could have been written and, in fact, the Committee on Commerce I think has produced on occasion better language.

The objections to the bill are that we do not treat in this bill short-term or temporary storage but it is the administration that is opposed to us doing so. We are trying to get a bill passed, trying to get it signed. We have been at this business for 15 years, and in the course of the 15 years of debate high level nuclear waste is now stored at 80 different sites in America in 40 different States.

That is in addition to the DOE waste that is now stored at DOE's weapons facilities and, as a consequence, we have collected during this 15-year period nearly $16 billion from consumers, who we have promised we would take care of this mess; and yet we have failed to keep our commitments.

The Court of Appeals has ruled that DOE has an obligation to take possession of nuclear waste in 1998, whether a repository is ready or not. 1998 has come and gone and yet now we stand in that court that the costs and the expenses of contractual damages could exceed $40 billion to $80 billion. This is taxpayer and ratepayer expenses we ought to be avoiding.

So what is our only solution? Our solution is to pass this bill, and get it as quickly as we can into law.

It does not do everything, but it does a lot. It provides indeed the backup of storage of spent nuclear fuel, for those who cannot build on-site storage. It maintains the nuclear waste fee at the current level until it is changed by Congress. It authorizes DOE to enter volunteer settlements of the billions of dollars of liability that taxpayers now face if we do nothing. It provides additional planning and safeguard.

It requires additional research into new technologies. What it does not do is important. It does not take away EPA's authority to set radiation release standards at Yucca Mountain. It does require a review of EPA's proposed rules by experts at the National Accounting of Science and the Nuclear Regulatory Commission.

It allows EPA and Congress to review their comments and it does not authorize interim storage prior to authorization of permanent repository authority at Yucca Mountain.

□ 1400

It does not violate the Budget Act, and my understanding is that the administration's objection to this bill makes no sense whatsoever.

Madam Speaker, it is time for us to settle this issue and to begin the process of avoiding this overhanging liability to the American taxpayers. Forty States, 80 different sites; it is time for us to settle it.

I want to commend my friend from Michigan for bringing this bill forward and for understanding the practical realities. Yes, we could argue process; yes, we could argue schedule; yes, we could argue for 12 hours on this floor. The result would be the same. The issue would go undetermined and unsettled.

It is time, schedule permitting, process permitting, for us to settle it, and to begin to bring an end to this awful 15-year debate, an end that provides for some permanent resolution of this issue, some permanent repository for nuclear waste, so that American citizens can avoid this overhanging problem of damages and so that we can rationalize this system of protection and provision for ultimate storage of these wastes.

Madam Speaker, I urge my colleagues to support this bill, to vote for it. It is critical that we pass it on to final action by the Senate and the White House.

Mr. PAUL. Madam Speaker, while nuclear power has conferred a considerable benefit upon power users in this country, today, we confront the symptoms of a federal government run Constitutionally amok which requires our serious attention. As a Congress, we are faced with the decision of whether to further ignore the federal government's constitutional limits and ultimately confront additional future symptoms of such action or acknowledge the necessary consequences of such an extra-Constitutional activity and act to correct the initial ''enumerated powers doctrine'' transgression.

In 1982, the federal government entered into an agreement with nuclear power industry to take possession of their nuclear waste and properly dispose of it in 1998. It should be noted that it is now March 2000 and the federal government has quite simply breached its contract. More importantly, it should be noted that the federal government had no authority to enter such an agreement in the first place. These facts, of course, did nothing to prevent the federal government from collecting from utility companies and their customers tax revenues for placement in a trust fund to accomplish their illegitimate and unfulfilled promise. Lack of constitutional authority also did nothing to stop the federal government from squandering more than $6 billion of that trust fund without having collected one gram of nuclear waste.

Today we are faced with yet another bill which provides mandates for which neither constitutional authority exists nor for which there is any reason to believe that such mandates will be observed by the Department of Energy any more than the previously legislated mandates have been observed. Additionally, this bill further expands the authority of the Environmental Protection Agency (EPA) and further involves the EPA in the process which could only exponentially increase the difficulty and time required to actually accomplish the legislation's stated purpose.

These facts stated, we nevertheless remain faced with the current status quo requiring a solution. The initial question which must necessarily be asked and answered is ''whether one constitutionally illegitimate action by the federal government may ever be used to justify the second?'' The answer to this question must always be answered in the negative. This does not mean, however, that those whose taxes have been illegitimately taken should receive nothing in return—quite the contrary. Numerous breach of contract lawsuits have been filed against the federal government for which quick remedies must be effectuated. Not only must the ill-taken revenues be returned to the non-breaching parties but attorneys fees and damages imposed upon the non-breaching parties should be awarded them as well. Perhaps, even more should be done, however, as this ''contract'' can, in many ways, be likened to the car thief who knowingly sells a stolen car to an unsuspecting customer inasmuch as the federal government promised to deliver something for which they themselves have usurped (stolen) from the state authorities and, hence, had no legitimate right to offer.

Of course, returning the trust fund money including interest and damages to ratepayers and utilities companies quite obviously does not dispose of the hazardous waste. Waste disposal and public safety, though, remains a power of the state governments under the tenth amendment to the U.S. Constitution which specifies that ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people.'' The public safety and police power have long been held to be state law matters and most appropriately so.

While citizens of those forty-nine states exclusive of Nevada may believe that Nevada is a fine place to dispose of one's waste, one must never concede the principle of states right guaranteed by the Constitution or forget that, in so doing, the next choice of the federal government may be to deposit equally dangerous or harmful materials in the rangeland of Texas. To the extent any particular state is unfit for such waste, the Constitution allows for interstate compacts between states. Enlisting the aid of the federal government to impose one's waste on citizens of another state while efficacious for the ''dumper'' is thus neither prudent, Constitutional, nor particularly pleasant for the ''dumpee.''

Mrs. MINK of Hawaii. Madam Speaker, I rise in opposition to S. 1287. The bill poses a serious risk of contaminating our Nation's groundwater with nuclear waste. It also would require the Department of Energy to accept nuclear waste for permanent storage before a storage facility was completed.

Nuclear waste storage policy needs to reflect science, not politics. It must protect Americans health and the safety of their natural resources. This bill does neither.

Under the bill, there would need to be 100,000 shipments of extremely dangerous nuclear waste traveling the roads and highways of 43 States.

The threat to drinking water as a result of the use MTBE as a fuel additive underscores the need to proceed carefully in storing nuclear waste. We are learning that migration of chemicals in groundwater is wider and easier than we previously thought. To hurry to store nuclear waste at Yucca Mountain without fully understanding the risks of groundwater contamination is foolish and dangerous.

Currently the standards for Yucca Mountain include no radiation standards whatsoever for groundwater contamination. A recent article in the journal Science concluded that plutonium dioxide, present in nuclear waste, is water soluble. By rushing 77,000 tons of radioactive waste to Yucca Mountain is to reduce the time available to conduct research to assure that groundwater is protected.

It is regrettable that the Republican leadership has prevented Members from offering amendments to correct the deficiencies of this bill. Almost a year ago, the Commerce Committee reported a nuclear waste bill with bipartisan support to the House. The Republican leadership will not permit us to even consider that bill.

We need to resolve the problem of nuclear waste storage. But a bad bill is no solution. The President has indicated that he will veto this bill. He is right to do so. I will vote against this bill, and will vote to uphold his veto.

The SPEAKER pro tempore (Mrs. EMERSON). All time has expired.

Pursuant to House Resolution 444, the Senate bill is considered read for amendment, and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time and was read the third time.

MOTION TO COMMIT

Ms. BERKLEY. Madam Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. BERKLEY. I am, Madam Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Ms. Berkley of Nevada moves to commit the Senate bill, S. 1287, the Nuclear Waste Policy Amendments Act, to the Committee on Commerce, with instructions that the Committee hold hearings on the bill.

Mr. UPTON. Madam Speaker, I reserve a point of order. I do not think we have seen a copy of the motion.

The SPEAKER pro tempore. The gentlewoman from Nevada (Ms. BERKLEY) will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, the intense debate today makes it clear that the House should not act on this flawed legislation, but should further consider it in committee.

A great many amendments have been drafted by Members of the House who agree that S. 1287 is a dangerous and irresponsible approach to dealing with our greatest environmental challenge, nuclear waste. But we are operating under a closed rule, and no amendments were considered. In view of this

rule, our only reasonable option is to commit this bill to the Committee on Commerce so that all issues may be fully addressed.

Here are some of the issues that must be addressed before any legislation can be passed by this body:

Improving the testing of nuclear shipping containers, which are the only, only, line of defense against nuclear contamination on shipping routes in 43 States.

Shipping routes that pass through cities and towns with a combined population of over 50 million people.

Requiring consultation with State and local governments on public safety issues prior to shipping.

Beefing up our emergency response capabilities to deal with radiation releases caused by shipping accidents, including funding for emergency response teams. With well over 100,000 rail and highway shipments looming, the Department of Energy safety experts tell us accidents will happen, it is a mathematical certainty; yet S. 1287 fails to address this awful reality.

Prohibiting transportation in school zones.

Protecting EPA's authority to set radiation standards.

Requiring private carriers of nuclear waste to follow selected routes, determined in advance.

Protecting the American taxpayer from the escalating costs of nuclear waste.

Requiring advance notification to safety agencies and communities of all nuclear waste shipments going through their States and cities and towns.

Assuring compliance with State and local laws regarding transportation and storage of radioactive materials.

Prohibiting storage of nuclear wastes in areas known to be plagued by natural disasters.

Preventing negligence or misconduct by contractors who would handle and ship nuclear wastes.

Madam Speaker, this list of amendments is by no means complete. Many more have been suggested, and all of them should be considered. I know of at least 24 amendments that Members would submit under an open rule.

Clearly our discussion today of S. 1287 is incomplete, as these amendments cannot be debated under the closed rule. The wise course of action is to commit, and I call for your support for this motion to commit S. 1287 to the Committee on Commerce for further review and study.

Madam Speaker, I thank the ranking member from Michigan for his outstanding leadership in this issue.

Madam Speaker, I yield back the balance of my time.

Mr. UPTON. Madam Speaker, I withdraw my reservation of a point of order.

Madam Speaker, I claim the 5 minutes in opposition to the motion to commit.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Madam Speaker, I appreciate the gentlewoman's request that we hold hearings on the Senate bill. I might say, though, as a member of the committee, we have had days and days and nights on this issue, some would say 40 days and 40 nights, a lot of weeks over the last couple of years, including debate, lengthy debate, on this House floor.

The problem is not hearings; the problem is the administration. The administration has refused to negotiate in good faith on an issue of terrific importance to the entire country on this issue.

Detractors, many of the detractors of this bill were against nuclear power from the get-go. I have to say that I think I was still in grade school when the decision was made, maybe even before that, to go with nuclear power; and we are now 30 or 40 years later, and when the decision was made, the Federal Government promised that it would take care of the long-term storage of high-level nuclear waste.

As the gentleman from Louisiana pointed out earlier, we have more than 80 sites across this country that are storing now high-level nuclear waste. A number of them, including some in my district, but about a dozen sites around the country in fact ran out of room a long time ago.

In my district we have cement silos literally a baseball throw away, a Sammy Sosa relay throw, from Lake Michigan, where it is being stored, probably for at least another decade. I do not want it there. I want it in one safe place.

We transported that material to these sites around the country for the last couple of decades. Not a single case of radioactivity was released in those transfers. I believe that with the standards that we impose, that we will in fact see that waste transported safely again without a single release to one safe site.

I have been to the Nevada site. I have seen some of the $10 billion of Federal money that was used to finally store this for thousands of years, and I think it is going to be safe. The scientists are going to decide that.

Our problem has been an administration that has refused to negotiate with us. Yes, they have given us conditions they wanted. But do you know what? This bill we are taking up this afternoon, many of those conditions were met. We heard the other side talk about the interim storage facilities, this does not have an interim storage facility. Well, I can show you the letter signed by the President, not only this year but last year and the year before that, he is going to veto the bill if that provision is in there. The Senate leadership in good faith negotiations said okay, we are going to have a new President next year, one way or another. We will take that out if that gets you to sign the bill.

Guess what? The veto signal still stayed on. In my State we have a Republican Senator and we have a Democratic Senator. Both of them voted for this bill that we are now debating today.

It is time to get a bill to the President's desk. That is all we are asking. It is not perfect. Our bill, the House Commerce bill, yes, it is better. It is better in a lot of respects. But in negotiations with this administration the Senate felt they had to make some changes that they thought that was the best, to hopefully get the administration on board; and, at the end of the day, Lucy took the football away again, and we are left with what we have got. We are left with the hand that we are dealt.

Madam Speaker, I would urge my colleagues to vote down this motion. We have had a lot of hearings. We spent a lot of time on this issue for the right reasons. It has been bipartisan virtually every which way. I would hope that we could turn down this motion to commit and vote for the bill.

Mr. TRAFICANT. Madam Speaker, I ask unanimous consent that 2 additional minutes be added to this motion to commit, and that those 2 minutes be granted to me.

Mr. DINGELL. Madam Speaker, reserving the right to object; this is a rather unusual process.

Madam Speaker, I will not object, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. UPTON. Madam Speaker, I still have 1 minute remaining.

The SPEAKER pro tempore. The gentleman from Michigan reserves his 1 minute.

The gentleman from Ohio (Mr. TRAFICANT) is recognized for 2 minutes.

Mr. TRAFICANT. Madam Speaker, I was prepared to assist and help with the passage of this bill, but I believe this bill is fatally flawed. I support the motion to commit because it is bad enough, Madam Speaker, that the district of the gentleman from Nevada (Mr. GIBBONS) will become a dump for nuclear waste, but this bill leaves our Nation wide open for foreign nuclear waste.

The Traficant amendment should have been made in order to this bill. Listen to what it said: ''No foreign nuclear waste shall be allowed in the United States or be deposited in, on, or under American soil or American water.'' This is big business. Big business will pay big money to store this, and we will become the nuclear waste dump site of the world. That is reasonable language.

Here is my position: I am going to ask that if this bill is passed that the Traficant language be inserted in conference. That is a reasonable protection that has so much common sense, we look like fools if we leave it open for foreign nuclear waste to be brought in here.

So I am going to vote for the motion to commit; I am going to vote against the bill.

Madam Speaker, I would appreciate Members doing something in the conference to protect the American people and the people from the district of the gentleman from Nevada (Mr. GIBBONS) as well.

Mr. UPTON. Madam Speaker, in my remaining minute I would just again urge my colleagues to support this bill. This bill will go to the President's desk. It has bipartisan support in the Senate. It should have bipartisan support today.

In the next administration I will work with the gentleman from Ohio and other Republicans and Democrats to rightfully craft even a better bill. This bill goes two steps in the right direction. I will be glad to take it the remaining half step to get it to be a good bill eventually with the President.

Again, I urge my colleagues to vote no on this motion to commit, and vote yes on final passage.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. BERKLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 188, nays 233, not voting 14, as follows:

[Roll No. 62]

YEAS—188

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Payne
Pelosi
Phelps
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—233

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Boyd
Crane
Greenwood
Hill (IN)
Jackson-Lee (TX)
Lowey
McDermott
Meek (FL)
Pallone
Pomeroy
Royce
Rush
Schakowsky

□ 1436

Mrs. CUBIN, Mr. GEJDENSON and Mr. RILEY changed their vote from ''yea'' to ''nay''.

Mr. DAVIS of Florida changed his vote from ''nay'' to ''yea''.

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. BERKLEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 167, not voting 15, as follows:

[Roll No. 63]

AYES—253

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery

McHugh
McIntyre
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Northup
Norwood
Nussle
Olver
Ose
Oxley
Packard
Pastor
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Snyder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—167

Abercrombie
Allen
Andrews
Archer
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Condit
Conyers
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Johnson, E.B.
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McGovern
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Nadler
Napolitano
Ney
Oberstar
Obey
Ortiz
Owens
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Pomeroy
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Stabenow
Stark
Strickland
Stupak
Talent
Tauscher
Thompson (CA)
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waxman
Weiner
Weygand
Wise
Woolsey
Wu

NOT VOTING—15

Ackerman
Boyd
Crane
Greenwood
Herger
Hill (IN)
Jackson-Lee (TX)
Lowey
McDermott
Pallone
Royce
Rush
Schakowsky
Shaw
Waters

□ 1453

Mrs. MALONEY changed her vote from ''aye'' to ''no.''

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAW. Madam Speaker, on rollcall No. 63, I was on the floor and voted "yes". The electronic machine did not record that I had voted.

□

## GENERAL LEAVE

Mr. UPTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to insert extraneous material on S. 1287, the Senate bill just passed.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

□

## OIL PRICE REDUCTION ACT OF 2000

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 445 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 445

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill, modified by striking subsection 6(c). Each section of that amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The Chairman of the Committee of the Whole may: (1) Postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 445 is a modified open rule providing for the consideration of H.R. 3822, the Oil Price Reduction Act 2000. The rule makes in order the Committee on International Relations amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, modified by striking section 6(c).

The rule provides for 1 hour of general debate equally divided between the chairman and the ranking minority member of the Committee on International Relations.

Further, the rule provides the bill shall be open for amendment by section, and makes in order only those amendments preprinted in the CONGRESSIONAL RECORD, to be offered only by the Member who caused it to be printed or his designee, and each amendment shall be considered as read.

In addition, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on votes following a 15-minute vote.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Last Thursday an announcement was made advising Members of the preprinting requirements for amendments, and I believe that House Resolution 445 is a fair approach in order to provide a forum in which to debate the current situation regarding the rising price of oil and its causes. Because the bill is narrowly tailored and deals only with foreign and not domestic oil, it is important all Members have the opportunity to review amendments prior to their being offered in order to ensure that they are germane.

I am sure all of us have been bothered, Mr. Speaker, by the high price of