

Sherman Sununu Walden Ballenger Evans Larsen (WA) Reynolds Shows Thurman
 Sherwood Sweeney Walsh Barcia Everrett Larson (CT) Rivers Shuster
 Shimkus Tanner Wamp Barcia Everrett Larson (CT) Rivers Shuster
 Shows Tauscher Watkins (OK) Barrett Farr Latham Rodriguez Simmons
 Shuster Taylor (MS) Watt (NC) Fattah Ferguson Leach Rogers (KY) Simpson
 Simmons Taylor (NC) Watts (OK) Filner Lee Rogers (MI) Skelton Towns
 Simpson Terry Weiner Weldon (FL) Becerra Fletcher Lewis (CA) Rohrabacher Slaughter
 Skeen Thomas Weldon (PA) Bentsen Foley Lewis (GA) Ros-Lehtinen Smith (MI)
 Skelton Thompson (CA) Weller Forbes Lewis (KY) Rothman Smith (NJ)
 Slaughter Thompson (MS) Wexler Ford Lewis (KY) Rothman Smith (TX)
 Smith (MI) Thornberry Whitfield Berkley Ford Linder Roukema Smith (WA)
 Smith (NJ) Thune Whitfield Berman Gilman Lipinski Roybal-Allard Snyder Vitter
 Smith (TX) Thurman Wicker Berry Frank LoBiondo Royce Solis Walden
 Snyder Tiahrt Wilson (NM) Biggert Frost Frelinghuysen Rush Souder Walsh
 Solis Tiberi Wilson (SC) Bilirakis Frost Gallegly Lucas (KY) Ryan (WI) Spratt Wamp
 Souder Tierney Wolf Bishop Galleghy Lucas (KY) Ryan (KS) Stark Waters
 Spratt Toomey Toomey Ganske Gekas Luther Sanderson Stearns Stearns
 Stark Towns Turner Udall (NM) Blunt Gephardt Lynch Maloney (CT) Saxton Stupak
 Stearns Turner Udall (NM) Blunt Gephardt Lynch Maloney (CT) Saxton Stupak
 Strickland Udall (NM) Boehlert Gibbons Maloney (NY) Schaffer Sullivan
 Stump Upton Young (AK) Boehner Gillmor Maloney (NY) Schaffer Sullivan
 Stupak Velazquez Young (FL) Bonilla Gilman Markey Schiff Sweeney Weller
 Sullivan Visclosky Visclosky

NOES—30

Baker Ehlers McCrery
 Berman Flake McDermott
 Boehner Harman Moran (VA)
 Castle Hastings (FL) Payne
 Cooksey Herger Smith (WA)
 Davis (CA) Jefferson Stenholm
 Davis (FL) John Tauzin
 Davis, Tom Kolbe Vitter
 Dicks Larsen (WA) Waters
 Dooley Lofgren Watson (CA)

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—17

Burton Honda Riley
 Buyer Jones (OH) Sawyer
 Carson (IN) Kind (WI) Traficant
 Castle Nadler Udall (CO)
 Crane Ose Waxman
 Hall (OH) Pombo

□ 1151

Mr. HORN changed his vote from "no" to "aye."

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.

So House Joint Resolution 84 was laid on the table.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2001

The SPEAKER pro tempore (Mrs. BIGGERT). The unfinished business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 3525.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3525, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, answered "present" 2, not voting 21, as follows:

[Roll No. 131]

YEAS—411

Ackerman Andrews Baird
 Aderholt Arme y Baker
 Akin Baca Baldacci
 Allen Bachus Baldwin

Ballenger Barcia Barr Barrett Bereuter Berkley Berman Berry Biggert Bilirakis Bishop Blumener Blunt Boehlert Boehner Bonilla Bonior Bono Boozman Borski Boswell Boucher Boyd Brady (PA) Brady (TX) Brown (FL) Brown (OH) Brown (SC) Bryant Burr Callahan Calvert Camp Cannon Cantor Capito Capps Capuano Cardin Carson (OK) Castle Chabot Chambliss Clay Clayton Clement Clyburn Coble Collins Combust Condit Conyers Cooksey Costello Coyne Cramer Crenshaw Crowley Cubin Culberson Cummings Cunningham Davis (CA) Davis (FL) Davis (IL) Davis, Jo Ann Davis, Tom Deal DeFazio DeGette DeLauro DeLay DeMint Deutsch Diaz-Balart Dicks Dingell Doggett Dooley Doolittle Doyle Dreier Duncan Dunn Edwards Ehlers Ehrlich Emerson Engel English Eshoo Etheridge

Larsen (WA) Reynolds Shows Thurman
 Larson (CT) Rivers Shuster
 Latham Rodriguez Simmons
 LaTourette Roemer Simpson
 Leach Rogers (KY) Skeen
 Lee Rogers (MI) Skelton
 Levin Rohrabacher Slaughter
 Lewis (CA) Ros-Lehtinen Smith (MI)
 Lewis (GA) Ross Smith (NJ)
 Lewis (KY) Rothman Smith (TX)
 Linder Roukema Smith (WA)
 Lipinski Roybal-Allard Snyder
 LoBiondo Royce Solis Walden
 Lofgren Rush Souder Walsh
 Lowey Ryan (WI) Spratt Wamp
 Lucas (KY) Ryan (KS) Stark Waters
 Lucas (OK) Sabo Stearns Stearns
 Luther Sanderson Stearns Stearns
 Lynch Maloney (CT) Saxton Stupak
 Maloney (NY) Schaffer Sullivan
 McHugh Schakowsky Sununu
 McInnis Schiff Sweeney Weller
 McIntyre Mascara Tanner Wexler
 McKeon Matheson Tauscher Whitfield
 Hansen Matsui Tauzin Wicker
 Harman McCarthy (MO) Taylor (MS) Wilson (NM)
 Harman McCarthy (NY) Taylor (NC) Wilson (SC)
 Hart McCollum Terry Wolf
 Meek (FL) McCrery Thomas Wu
 Meeks (NY) McDermott Thompson (CA) Wynn
 Menendez McGovern Thompson (MS) Young (AK)
 Mica McHugh Thornberry Young (FL)
 Millender McDonald
 Miller, Dan
 Miller, Gary
 Miller, George
 Miller, Jeff
 Mink
 Mollohan
 Moore
 Moran (KS)
 Moran (VA)
 Morella
 Murtha
 Myrick
 Napolitano
 Neal
 Nethercutt
 Ney
 Northrup
 Norwood
 Nussle
 Oberstar
 Obey
 Olver
 Ortiz
 Osborne
 Otter
 Owens
 Oxley
 Pallone
 Pascrell
 Pastor
 Paul
 Payne
 Pelosi
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Phelps
 Pickering
 Pitts
 Platts
 Pombo
 Pomeroy
 Portman
 Price (NC)
 Putnam
 Quinn
 Radanovich
 Rahall
 Ramstad
 Rangel
 Regula
 Rehberg
 Reyes

ANSWERED "PRESENT"—2

Abercrombie

Tancredo

NOT VOTING—21

Burton Hall (OH) Pryce (OH)
 Buyer Honda Riley
 Carson (IN) Jones (OH) Sawyer
 Cox Kanjorski Traficant
 Crane Kind (WI) Udall (CO)
 Goode Nadler Waxman
 Gutknecht Ose Woolsey

□ 1201

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TANCREDO. Mr. Speaker, during rollcall No. 131, on the motion that the House suspend the rules and agree to the Senate amendments to H.R. 3525, I inadvertently voted "present." It was my desire to have my vote recorded as "yea," and I ask that the RECORD reflect that.

Mr. COX. Mr. Speaker, on rollcall No. 131, I was absent for the five-minute rollcall vote. Had I been present I would have voted "yeas."

□ 1200

CORRECTING THE ENROLLMENT OF H.R. 3525, ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2001.

Mr. LATOURETTE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 106) to correct the enrollment of H.R. 3525, and ask for its immediate consideration in the House.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 106

Resolved by the Senate (the House of Representatives concurring). That, in the enrollment of the bill (H.R. 3525) to enhance the

border security of the United States, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike section 205.

(2) In the table of contents of the bill, strike the item relating to section 205.

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

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

YUCCA MOUNTAIN REPOSITORY SITE APPROVAL ACT

Mr. TAUZIN. Madam Speaker, pursuant to section 115(e)(4) of the Nuclear Waste Policy Act of 1982, I call up the joint resolution (H.J. Res. 87) approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

H.J. RES. 87

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That there hereby is approved the site at Yucca Mountain, Nevada, for a repository, with respect to which a notice of disapproval was submitted by the Governor of the State of Nevada on April 8, 2002.

UNFUNDED MANDATES POINT OF ORDER

Mr. GIBBONS. Madam Speaker, I rise to make a point of order against consideration of H.J. Res. 87.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GIBBONS. Madam Speaker, pursuant to section 425 of the Congressional Budget Act and Impoundment Control Act of 1974, I make a point of order against consideration of H.J. Res. 87.

Section 425 states that a point of order lies against legislation which either imposes an unfunded mandate in excess of \$58 million against State and local governments or when the committee chairman does not publish, prior to floor consideration, a CBO cost mandate of any unfunded mandate in excess of \$58 million against State and local entities.

H.J. Res. 87 will in effect set the Nuclear Waste Policy Act as amended in 1987 into action. The bill reads in part, "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that there hereby is approved the site at Yucca Mountain, Nevada for a repository."

In other words, Madam Speaker, passage of this resolution will green-light the Yucca Mountain project, thus allowing for shipment of high level nuclear waste beginning in the year 2010 and continuing for the next 38 years.

Thus, passage of H.J. Res. 87 clearly places an unfunded mandate on our taxpayers.

The SPEAKER pro tempore. The gentleman from Nevada (Mr. GIBBONS) makes a point of order that the joint resolution 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 joint resolution 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, to wit: "Will the House now consider the joint resolution?"

The gentleman from Nevada (Mr. GIBBONS) will be recognized for 10 minutes and the gentleman from Louisiana (Mr. TAUZIN) will be recognized for 10 minutes.

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

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

Madam Speaker, passage of H.J. Res. 87 will undoubtedly put a process in place that will exceed the \$58 million threshold outlined in section 425 of the act. Instead of looking at what the CBO score tells us, let us look at what it does not tell us. What the CBO is unable to tell us is how much it will cost our local community to implement the Nuclear Waste Management Act, as far as preparing our State and local governments for the enormous cost of safety monitoring these tens of thousands of high level nuclear waste shipments that are going to occur throughout our community.

Madam Speaker, by the CBO's inability to score the total cost of this project, again a project receives a green light upon passage of the legislation currently before us, there might as well not even be a CBO score. The chairman of the committee has fulfilled his obligation to publish a cost estimate for H.J. Res. 87; however, the CBO cost only gives the House the recommended 5-year cost projection. As we know, under the Nuclear Waste Policy Act, shipments of high level nuclear waste to Nevada will not even begin until the year 2010, about 8 years from now. With the CBO unable to give a cost estimate on the Yucca Mountain project's total price tag, passage of H.J. Res. 87 provides the Federal government a blank check to proceed with this project.

In the end, the Federal Government will demand that our State and local governments spend billions of dollars over the next four decades to prepare for those shipments that will traverse their respective States and districts. Neither the Department of Energy nor

Congress has anticipated or provided for the massive costs that will be incurred by States and local governments if we pass this legislation.

The paltry \$17 million budgeted by the Department of Energy in its fiscal year 2003 budget will not come close to covering these costs. States and local governments will be left with billions of dollars in unfunded expenses which would not be incurred except for the Federal high level radioactive waste program. Some may counter this argument by saying that we can recommend on the Nuclear Waste Fund, established by Congress, to pay for the cost of Yucca Mountain.

Well, consider this argument: Current estimates put the Nuclear Waste Fund at about \$17 billion. That balance pales in the comparison to the total construction and compliance costs at Yucca Mountain of almost \$60 billion.

What is more, the nuclear power industry faces an uncertain economic future. Let me point out a few of the problems facing the industry. The industry is supposed to be responsible for paying the costs associated with the nuclear waste disposal. No nuclear power plants have been built since 1978. More than 100 reactors have been canceled, including all ordered after 1973. The nuclear power industry's troubles include nuclear high power plant construction costs, relatively low costs for competing fuel, public concern about nuclear safety and waste disposal, as well as regulatory compliance costs.

Electric utility restructuring, which is currently under way in several States, could also increase the competition faced by existing nuclear plants.

High operating costs have resulted during the past decades in the shutdown of nearly 20 U.S. commercial reactors before the completion of their 40-year license operating period.

Madam Speaker, the viability of the Nuclear Waste Fund is directly related to the continued viability of the nuclear utility industry. Taxpayers are 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.

The price tag of this project will be tremendous. Not in the next 5 years, as outlined by the CBO score, but in 8 years, and the subsequent 4 decades beyond that.

Madam Speaker, 8 years from now the Department of Energy will begin filling your roads and highways and railways with high level nuclear waste. The cost to even begin preparing our first responders will be staggering, let alone the cost of any clean-up associated with one of 400 accidents the Department of Energy tells us that we are to prepare for when they begin these shipments.

I ask that delegates call their State governors and ask does room exist in their budget to meet these needs and these expensive costs? Ask your local