

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3053)  
TO AMEND THE NUCLEAR WASTE POLICY ACT OF 1982,  
AND FOR OTHER PURPOSES

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MAY 8, 2018.—Referred to the House Calendar and ordered to be printed

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Mr. NEWHOUSE, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 879]

The Committee on Rules, having had under consideration House Resolution 879, by a record vote of 7 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3053, the Nuclear Waste Policy Amendments Act of 2018, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-69 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

## EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 3053 includes a waiver of:

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Clause 10 of rule XXI, which prohibits the consideration of a bill if it has the net effect of increasing mandatory spending over the five-year or ten-year period. It is important to note that, if adopted, the amendment in the nature of a substitute made in order as original text cures the violations over both five and ten years.

Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) allocation of such authority. It is important to note that, if adopted, the amendment in the nature of a substitute made in order as original text cures the violation.

Section 311 of the Congressional Budget Act, which prohibits consideration of legislation that would cause the level of total new budget authority for the first fiscal year to be exceeded. It is important to note that, if adopted, the amendment in the nature of a substitute made in order as original text cures the violation.

The amendment in the nature of a substitute made in order as original text includes a waiver of the following:

Section 306 of the Congressional Budget Act, which prohibits consideration of legislation within the jurisdiction of the Committee on the Budget unless referred to or reported by the Budget Committee. Section 5101 of H. Con. Res. 71, which prohibits the consideration of legislation that has the net effect of increasing direct spending in excess of \$2.5 billion for any of the four consecutive ten fiscal year periods beginning with the first fiscal year that is 10 fiscal years after the current fiscal year.

The waiver of all points of order against the amendments printed in this report includes a waiver of clause 12(a)(2) of rule XXI, which prohibits consideration of an amendment in the nature of a substitute unless there is a searchable electronic comparative print that shows how the amendment proposes to change current law. The waiver is necessary for the amendment in the nature of substitute #9, offered by Rep. Titus.

## COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

*Rules Committee record vote No. 210*

Motion by Mr. McGovern to make in order and provide the appropriate waivers to amendment #1 to H.R. 3053, offered by Rep. Rosen (NV) which prohibits any action relating to the licensing, planning, development, or construction of a nuclear waste repository at the Yucca Mountain site until the Director of the Office of Management and Budget studies the economic viability and job-creating benefits of alternative uses of the site. Defeated 4-7

Majority Members	Vote	Minority Members	Vote
Mr. Cole .....		Mr. McGovern .....	Yea
Mr. Woodall .....	Nay	Mr. Hastings of Florida .....	Yea
Mr. Burgess .....		Mr. Polis .....	Yea
Mr. Collins .....	Nay	Mrs. Torres .....	Yea
Mr. Byrne .....	Nay		
Mr. Newhouse .....	Nay		
Mr. Buck .....	Nay		
Ms. Cheney .....	Nay		
Mr. Sessions, Chairman .....	Nay		

*Rules Committee record vote No. 211*

Motion by Mr. Collins to report the rule. Adopted 7–4

Majority Members	Vote	Minority Members	Vote
Mr. Cole .....		Mr. McGovern .....	Nay
Mr. Woodall .....	Yea	Mr. Hastings of Florida .....	Nay
Mr. Burgess .....		Mr. Polis .....	Nay
Mr. Collins .....	Yea	Mrs. Torres .....	Nay
Mr. Byrne .....	Yea		
Mr. Newhouse .....	Yea		
Mr. Buck .....	Yea		
Ms. Cheney .....	Yea		
Mr. Sessions, Chairman .....	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Keating (MA): Requires the Department of Energy to publish a financial statements summary in its annual Nuclear Waste Fund financial statement audit. (10 minutes)

2. Schneider (IL), Lowey (NY): Requires a report on existing resources across the federal government that could assist communities struggling with the economic impact of a nuclear plant closure and housing spent nuclear fuel and assist communities in the decommissioning process with developing economic adjustment plans. (10 minutes)

3. Titus (NV): SUBSTITUTE Strikes the language of H.R. 3053 and insert language establishing a consent-based siting process for determining a permanent nuclear waste repository. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KEATING OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VI, add the following section:

**SEC. 609. REQUIREMENT FOR FINANCIAL STATEMENTS SUMMARY.**

The Department of Energy shall include a financial statements summary in each audit report on the Department of Energy Nuclear Waste Fund's fiscal year financial statement audit.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHNEIDER OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

**SEC. 609. STRANDED NUCLEAR WASTE.**

(a) STRANDED NUCLEAR WASTE TASK FORCE.—

(1) **ESTABLISHMENT.**—The Secretary shall establish a task force, to be known as the Stranded Nuclear Waste Task Force—

(A) to conduct a study on existing public and private resources and funding for which affected communities may be eligible; and

(B) to develop immediate and long-term economic adjustment plans tailored to the needs of each affected community.

(2) **STUDY.**—Not later than 180 days after the date of enactment of this Act, the Stranded Nuclear Waste Task Force shall complete and submit to Congress the study described in paragraph (1).

(b) **DEFINITIONS.**—In this section:

(1) **AFFECTED COMMUNITY.**—The term “affected community” means a municipality that contains stranded nuclear waste within the boundaries of the municipality, as determined by the Secretary.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(3) **STRANDED NUCLEAR WASTE.**—The term “stranded nuclear waste” means nuclear waste or spent nuclear fuel stored in dry casks or spent fuel pools at a decommissioned or decommissioning nuclear facility.

3. AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO BE OFFERED BY REPRESENTATIVE TITUS OF NEVADA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1, strike line 1 and all that follows through the end of the Rules Committee Print, and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Nuclear Waste Informed Consent Act”.

**SEC. 2. DEFINITIONS.**

In this Act, the terms “affected Indian tribe”, “affected unit of local government”, “high-level radioactive waste”, “repository”, “Secretary”, “spent nuclear fuel”, “unit of general local government”, and “Waste Fund” have the meanings given the terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

**SEC. 3. CONSENT BASED APPROVAL.**

(a) **IN GENERAL.**—The Secretary may not make an expenditure from the Waste Fund for the costs of the activities described in paragraphs (4) and (5) of section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)) unless the Secretary has entered into an agreement to host a repository with—

(1) the Governor of the State in which the repository is proposed to be located;

(2) each affected unit of local government;

(3) any unit of general local government contiguous to the affected unit of local government if spent nuclear fuel or high-level radioactive waste will be transported through that unit of general local government for disposal at the repository; and

(4) each affected Indian tribe.

(b) CONDITIONS ON AGREEMENT.—Any agreement to host a repository under this Act—

(1) shall be in writing and signed by all parties;

(2) shall be binding on the parties; and

(3) shall not be amended or revoked except by mutual agreement of the parties.

