

only if offered by the majority leader or his designee. After a motion to strike out the enacting words of the bill (as described in clause 7 of rule XXIII) has been rejected, the Chairman may not entertain another such motion during further consideration of the bill. 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 committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. After passage of H.R. 1270, it shall be in order to take from the Speaker's table the bill, S. 104, and to consider the Senate bill in the House. Points of order against consideration of the Senate bill for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1270 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 104 and request a conference with the Senate thereon.

□ 1200

MOTION TO ADJOURN

Mr. ENSIGN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion to adjourn offered by the gentleman from Nevada [Mr. ENSIGN].

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

Mr. ENSIGN. 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 29, nays 374, not voting 29, as follows:

[Roll No. 535]

YEAS—29

Ackerman	Foglietta	Lewis (GA)
Andrews	Ford	Markey
DeFazio	Gephardt	McDermott
DeGette	Gibbons	McNulty
Delahunt	Gordon	Mink
Dellums	Hilleary	Obey
Ensign	Jackson (IL)	Olver
Eshoo	Jefferson	Stark
Fattah	LaFalce	Torres
Filner	Lewis (CA)	

NAYS—374

Abercrombie	Barrett (WI)	Blagojevich
Aderholt	Bartlett	Bliley
Allen	Barton	Blumenauer
Archer	Bass	Blunt
Armey	Bateman	Boehlert
Bachus	Becerra	Boehner
Baesler	Bentsen	Bonilla
Baker	Bereuter	Bonior
Baldacci	Berman	Borski
Ballenger	Berry	Boswell
Barcia	Bilbray	Boucher
Barr	Bilirakis	Boyd
Barrett (NE)	Bishop	Brady

Brown (FL)	Hastings (FL)	Morella
Brown (OH)	Hastings (WA)	Murtha
Bryant	Hayworth	Nadler
Bunning	Hefley	Neal
Burr	Hefner	Nethercutt
Burton	Herger	Neumann
Buyer	Hill	Ney
Callahan	Hilliard	Northup
Calvert	Hinchee	Norwood
Camp	Hinojosa	Nussle
Campbell	Hobson	Oberstar
Canady	Hoekstra	Ortiz
Cannon	Holden	Owens
Cardin	Hooley	Oxley
Carson	Horn	Packard
Castle	Hostettler	Pallone
Chabot	Hoyer	Pappas
Chambliss	Hulshof	Parker
Chenoweth	Hunter	Pastor
Christensen	Hutchinson	Paul
Clay	Hyde	Paxon
Clayton	Inglis	Pease
Clement	Istook	Peterson (MN)
Clyburn	Jackson-Lee	Peterson (PA)
Coble	(TX)	Petri
Coburn	Jenkins	Pickering
Collins	John	Pickett
Combest	Johnson (CT)	Pitts
Condit	Johnson (WI)	Pombo
Cook	Johnson, E.B.	Pomeroy
Cooksey	Jones	Porter
Costello	Kanjorski	Portman
Cox	Kaptur	Poshard
Coyne	Kasich	Price (NC)
Cramer	Kennedy (MA)	Pryce (OH)
Crane	Kennedy (RI)	Quinn
Crapo	Kennelly	Radanovich
Cummings	Kildee	Rahall
Cunningham	Kilpatrick	Ramstad
Danner	Kim	Rangel
Davis (FL)	Kind (WI)	Redmond
Davis (IL)	King (NY)	Regula
Davis (VA)	Kingston	Reyes
Deal	Kleczka	Riggs
DeLauro	Klink	Riley
DeLay	Klug	Rivers
Deutsch	Knollenberg	Roemer
Diaz-Balart	Kolbe	Rogers
Dicks	Kucinich	Rohrabacher
Dingell	LaHood	Ros-Lehtinen
Dixon	Lampson	Rothman
Doggett	Lantos	Roukema
Dooley	Largent	Roybal-Allard
Doolittle	Latham	Royce
Doyle	LaTourette	Rush
Dreier	Lazio	Ryun
Duncan	Leach	Sabo
Dunn	Levin	Salmon
Edwards	Lewis (KY)	Sanchez
Ehlers	Linder	Sanders
Ehrlich	Lipinski	Sandlin
Emerson	Livingston	Sanford
Engel	LoBiondo	Sawyer
Etheridge	Lofgren	Saxton
Evans	Lowey	Schaefer, Dan
Everett	Lucas	Schaffer, Bob
Ewing	Luther	Schumer
Farr	Maloney (CT)	Scott
Fawell	Maloney (NY)	Sensenbrenner
Fazio	Manton	Serrano
Foley	Manzullo	Sessions
Forbes	Mascara	Shadegg
Fowler	Matsui	Shaw
Fox	McCarthy (MO)	Shays
Frank (MA)	McCarthy (NY)	Sherman
Franks (NJ)	McCollum	Shimkus
Frelinghuysen	McCrery	Shuster
Frost	McDade	Sisisky
Furse	McGovern	Skaggs
Gallegly	McHale	Skeen
Ganske	McHugh	Skelton
Gejdenson	McInnis	Slaughter
Gilchrist	McIntyre	Smith (MI)
Gillmor	McKeon	Smith (NJ)
Gilman	McKinney	Smith (OR)
Goode	Meehan	Smith (TX)
Goodlatte	Meek	Smith, Adam
Goodling	Menendez	Smith, Linda
Goss	Metcalf	Snowbarger
Graham	Mica	Snyder
Green	Millender-	Solomon
Greenwood	McDonald	Souder
Gutierrez	Miller (CA)	Spence
Gutknecht	Miller (FL)	Spratt
Hall (OH)	Minge	Stabenow
Hall (TX)	Moakley	Stearns
Hamilton	Mollohan	Stenholm
Harman	Moran (KS)	Strickland
Hastert	Moran (VA)	Stump

Stupak	Towns	Weldon (PA)
Sununu	Trafigant	Weller
Tanner	Turner	Wexler
Tauscher	Upton	Weygand
Tauzin	Velazquez	White
Taylor (MS)	Vento	Whitfield
Taylor (NC)	Visclosky	Wicker
Thomas	Walsh	Wise
Thompson	Wamp	Wolf
Thornberry	Waters	Woolsey
Thune	Watkins	Wynn
Thurman	Watt (NC)	Young (FL)
Tiahrt	Watts (OK)	
Tierney	Waxman	

NOT VOTING—29

Bono	Hansen	Rodriguez
Brown (CA)	Houghton	Rogan
Conyers	Johnson, Sam	Scarborough
Cubin	Kelly	Schiff
Dickey	Martinez	Stokes
English	McIntosh	Talent
Flake	Myrick	Weldon (FL)
Gekas	Pascarell	Yates
Gonzalez	Payne	Young (AK)
Granger	Pelosi	

□ 1221

Ms. SLAUGHTER, Mrs. NORTHUP, and Messrs. KENNEDY of Rhode Island, SAWYER, PACKARD, and HERGER changed their vote from "yea" to "nay."

Mr. MARKEY changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 1270, NUCLEAR WASTE POLICY ACT OF 1997

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

Mr. HASTINGS of Washington. Mr. Speaker, for 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 the resolution, all time yielded is for 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, House Resolution 283 is a structured rule providing for the consideration of H.R. 1270, the Nuclear Waste Policy Act of 1997. The rule provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Commerce, as well as 20 minutes of debate equally divided between the chairman and ranking member of the Committee on Resources.

The rule makes in order a committee amendment in the nature of a substitute as the base text, and waives Congressional Budget Act requirements that the Committee on the Budget report provisions within its jurisdiction. The rule also waives House rules prohibiting appropriations in an authorization measure.

Mr. Speaker, this rule makes in order 10 amendments, debatable in the order listed and for the amount of time specified in the Committee on Rules report.

The rule further specifies that time for debate on each amendment shall be equally divided and controlled by a proponent and an opponent, and that amendments shall not be subject to further amendment, and shall not be subject for a demand for a division of the question in the House or in the Committee of the Whole. Furthermore, the rule waives all points of order against the amendment in the nature of a substitute offered by the gentleman from California [Ms. MILLENDER-MCDONALD].

Under the rule, the chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to 5 minutes, provided it follows a regular 15-minute vote.

In addition, the rule provides that after a motion that the Committee rise has been rejected on a day, the Chairman may entertain another such motion on that day only if offered by the majority leader or his designee. The rule also provides that after a motion to strike the enacting words of the bill has been rejected, the Chairman may not entertain another such motion during further consideration of the bill. Finally, the rule provides for one motion to recommit with or without instructions.

After passage of H.R. 1270, the rule provides for the consideration of a motion to call up S. 104, the Senate version of the bill, strike all after the enacting clause, and insert the text of the House-passed version of H.R. 1270. After adoption of the motion, the rule makes in order a motion for the House to insist on its amendments to S. 104 and request a conference.

Mr. Speaker, as a Member who represents the area that has the largest repository of nuclear waste in the United States, let me take this opportunity to remind my colleagues that Congress not only has a statutory responsibility but a moral obligation to face squarely the issue of long-term storage of nuclear waste.

For more than half a century now our Nation has faced the challenges and reaped the benefits of nuclear science. Our ever-growing understanding of the atom has helped to win both World War II and the cold war that followed. At the same time, nuclear science has always made possible the generation of safe, clean electric power for millions of Americans in ways that produce far less pollution than many other sources of energy.

Having said that, Mr. Speaker, there is a very large and costly asterisk attached to the many benefits of nuclear energy. That is the need to deal with the large quantities of nuclear waste that are a byproduct of power generation in more than 100 reactors across this country.

True, we could dramatically reduce the waste stream if we treated the spent fuel produced in our Nation's powerplants as a renewable resource. Unfortunately, however, the tremendous potential for reprocessing has

never been realized in the United States because of political opposition based more, frankly, on political ideology than on sound science.

As a result, Mr. Speaker, nuclear waste today sits untreated in temporary storage sites across the country that are rapidly reaching their full capacity. The amount of such waste is large and it is still growing.

The nuclear wastes resulting from defense production are even less stable. For example, in my own district at Hanford, 54 million gallons of liquid nuclear and hazardous wastes are sitting in 177 underground storage tanks just a few miles from the Columbia River. In addition, 2,100 metric tons of spent nuclear fuel rests little more than 100 yards from this same river. This pattern is repeated again and again at Savannah River, SC; Rocky Flats, CO; at Oak Ridge in Tennessee; at Idaho Engineering Laboratory in Idaho; and elsewhere.

Clearly, Mr. Speaker, this Congress has an obligation to act. Just as clearly, there are those in this body who oppose this legislation. Let me emphasize, I do not want to question their motives in opposing this bill. No one on either side of this issue who has looked carefully at the issues could fail to see the seriousness of the problems we face.

While I do not want to question their motives, I do have some practical questions for the critics of H.R. 1270. First, what do they propose as an alternative? We have done too little for too long, and the time, frankly, is running out.

Would our opponents send us back to the drawing board and delay this process yet once again? Would they leave this dangerous material stored in hundreds of our communities indefinitely? Do they truly favor leaving this material in deteriorating containers and storage pools? These are questions I think, Mr. Speaker, that need to be addressed in the debate that will follow after the adoption of the rule.

Mr. Speaker, there are times when this body must make agonizingly difficult decisions, and there are times when the risks of inaction are simply too great. I believe this is one of those times. This is a sound piece of legislation. The committees of jurisdiction have worked long and hard to balance the concerns of Members from different parts of this country. H.R. 1270 may not be perfect, but the rule we have reported will provide Members an opportunity to address their most serious objections to this bill.

The committee has reported a rule which will permit full and extensive debate on all sides of this complex and controversial issue.

□ 1230

Accordingly, I urge my colleagues to pass this rule so that we can proceed with the long overdue debate on H.R. 1270, the Nuclear Waste Policy Act of 1997.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Washington [Mr. HASTINGS] for yielding me this time. This resolution is a structured rule that will allow for consideration of H.R. 1270, the Nuclear Waste Policy Act of 1997. Mr. Speaker, the bill establishes a process to store spent nuclear fuel and high-level radioactive waste.

As my colleague from Washington has described, this rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. It also provides 20 minutes of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Resources.

Mr. Speaker, only 10 specific amendments may be offered. No other amendments will be in order.

One of the major environmental problems facing our Nation is disposing of the thousands of tons of spent nuclear fuel and other dangerous radioactive wastes. The bill establishes an interim storage facility at Yucca Mountain for these nuclear wastes. The bill designates the same site for study as a permanent storage facility.

Unfortunately, the geological testing of Yucca Mountain has not been completed. Moreover, the bill does not consider any other location for a permanent facility. Acting hastily, before we have enough valid scientific information, could burden future generations with even greater problems than we face now. The bill also unnecessarily weakens existing environmental standards for acceptable radiation releases. For these reasons, the President would veto the bill.

Mr. Speaker, I am pleased that the Committee on Rules made in order a number of Democratic amendments among the 10 that may be offered. However, more than half of the requested amendments were denied by the Committee on Rules, including many amendments which would have improved the bill.

One of the amendments the Committee on Rules denied would make contractors more responsible for accidents when transporting radioactive wastes. There is no reason why American taxpayers should pay if the contractor is at fault, and there is no reason why this amendment should not be offered.

Mr. Speaker, bills reported from the Committee on Commerce have been traditionally brought to the floor under open rules, and I regret that we seem to be ending that tradition.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Colorado, Mr. DAN SCHAEFER, subcommittee chairman on the Committee on Commerce dealing with this legislation.

(Mr. DAN SCHAEFER of Colorado asked and was given permission to revise and extend his remarks.)

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, today the House is considering the rule for H.R. 1270, and I think this is a real fair rule. It is one that provides for 10 amendments, 5 sponsored by Republican Members and 5 sponsored by Democrat Members. How much more fair can we get than that?

H.R. 1270 was developed by the Committee on Commerce in a bipartisan manner over the past 2½ years and enjoyed broad bipartisan support in the committee. Last month, the bill was reported out by a margin of 43 to 3. It is my hope that H.R. 1270 will enjoy the broad bipartisan support in the full House.

This bill has been a long time coming. Mr. Speaker, 15 years ago, 15 years ago, the Nuclear Waste Policy Act of 1982 established a nuclear waste program based on a permanent repository that was expected to begin operation in 1998. However, this repository is well behind schedule and will not begin operation now until the year 2010.

Last year a Federal court ruled that DOE had a legal duty to begin accepting the nuclear waste in January 1998. However, DOE cannot meet its legal duty to begin acceptance of this waste under current law, since this repository will not be operational now until the year 2010 and current law prevents DOE from developing interim storage facilities after a repository is licensed.

The Federal Government should not shirk its legal responsibility, and the word of the Federal Government should mean something to the American people. Congress must act to permit DOE to meet its legal duty under the Nuclear Waste Policy Act through acceptance at an interim storage facility.

Although the January 1998 deadline is not achievable, it is possible to begin acceptance at an interim storage facility by the year 2002. That is a near-term date that permits enough time for the NRC to license the interim storage facility.

Failure on the part of DOE to fulfill its legal duties will have a heavy cost. State public utility commissions and utilities are suing DOE for damages to pay for their onsite storage costs. If the courts order DOE to pay these damages, funding for the nuclear waste program will dry up and progress toward permanent disposal of nuclear waste will grind to a halt.

Current law also does not protect the consumers. Since 1983, consumers have paid \$13 billion in fees to fund the nuclear waste program. Unfortunately, only a small part has really been paid for that. Recently as much as 85 cents of every dollar contributed by consumers has been diverted to other Federal programs, and this is a sham on the taxpayers in this country.

This diversion will continue unless Congress amends the fee, tackles this issue, and goes at it. The issue before

the House is a simple one. Should Congress really act to fulfill the legal obligations of the Federal Government? Should they? And should Congress act to maintain progress toward development of a permanent repository?

Mr. Speaker, I think that we have to act and we have to act today, and I urge Members to support the rule for H.R. 1270.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS], a fine gentleman and the deputy minority whip.

Mr. LEWIS of Georgia. Mr. Speaker, few bills we consider pose a greater threat to the health and well-being of our Nation than the one before us today. Nuclear waste is a deadly poison, a poison we must not treat lightly. We must develop an intelligent, thoughtful, and prudent nuclear waste policy.

Mr. Speaker, this bill is not intelligent. It is not thoughtful. It is not prudent.

This bill would have us move nuclear waste not just once, but twice. This bill will require nuclear waste to travel thousands of miles on our highways and railroads, through our neighborhoods, past our homes, down our streets. And in a few years, we may well do it all over again. Why? Because we do not know if Yucca Mountain is safe.

Mr. Speaker, nuclear waste does not just go away. The poison will be around for thousands of years. Our children and unborn generations will live with the nuclear waste we have created with the threat of leukemia, cancer, and a slow, agonizing death.

So when we store nuclear waste, let us take our time and do it right. Do it right. We should not rush to send these poisons through our neighborhoods, down our roads, down our railroads, into our streets and into our neighborhoods.

Mr. Speaker, let us slow down. Think of our children. Think of unborn generations, and defeat this ill-conceived and dangerous bill. I urge my colleagues to defeat the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, first let me say that obviously being from Nevada, I am opposed to this rule, but let me give some real reasons to be opposed to this rule.

Mr. Speaker, we came in actually as a Republican majority saying we want to open up the process. We want to allow the democratic process to go forward in a fair manner. This bill shuts down that process. It is not an open rule. It should be an open rule, as the gentleman from Ohio [Mr. HALL] said earlier.

But it also did not allow some very key amendments to be debated on this floor. This bill waives some of the most important environmental laws that we have on the books today. That is why every major environmental group in this country is opposed to this bill.

Mr. Speaker, one of the amendments we had on here had to do with private property rights. Republicans came in as part of the Contract With America saying that we want to defend the fifth amendment and when the Government devalues a citizen's property due to an action that it takes, that it should compensate them for that. The Republican leadership would not allow that amendment to this bill, H.R. 1270, to even be debated.

Also, Mr. Speaker, they would not allow an amendment that would protect our children in our schools from having nuclear waste transported near their schools.

Now, the gentleman who is controlling time on this side talked about alternatives. Alternatives. The NRC said that dry cask storage on site is safe for up to 100 years, keeping it right where it is. The most dangerous part of nuclear waste storage is actually transport. So why do we want to do something that we do not need to do?

They are saying that reactors are running out of space. No reactor in the United States has ever shut down because they were running out of storage space. There is plenty of room. Yes, they might have to build a concrete pad or two, put dry casks there, take these nuclear wastes out of the swimming pools, but there is plenty of room.

Mr. Speaker, I urge my colleagues to vote against this rule. This rule is ill-founded.

Mr. HALL of Ohio. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, the State of Ohio killed a plan to establish a radioactive waste dump because people in Ohio recognized the dangers of moving the waste to our State. I rise in opposition to this rule and to this bill which would permit transport of millions of tons of high-level radioactive waste through 43 States and dump it on the good people of Nevada.

□ 1245

It is nothing short of a total outrage that the American people will pay the price with their health and their tax dollars to dispose of waste which comes from commercial nuclear reactors. It is a bitter irony to those of us who oppose nuclear waste to be proven right, but now being forced to accept 15,000 shipments of waste through our communities.

This bill is fundamentally flawed. The amendments I tried to offer, but were not ruled in order would have at the very least made the shipments safer. In order to protect our densely populated urban areas, I offered an amendment that would prohibit private companies from transporting high level radioactive waste through any community larger than 50,000 unless the waste originated from that community. That amendment was rejected. The public has a right to know what is being trucked through their communities.

I offered an amendment that would require a notice to be published in a newspaper of general circulation in each community through which the waste would be transported and that the notice include a complete inventory of the waste to be transported. We have to be certain that people know what is going on with nuclear waste. Yet that amendment was not accepted, so now the people will not know.

We have to be certain that the containers which would carry the waste are safe and durable. So I offered an amendment to mandate that all of these containers used in the transport of the waste be physically crash tested prior to any shipments. None of these amendments were deemed suitable for a vote by the House of Representatives.

We must be mindful of the health effects which this waste can have on surrounding communities. So I offered an amendment which would have required an epidemiological study of the communities surrounding the waste dump to be conducted every 5 years after the first shipment of radioactive waste and continue every 5 years as long as the dump exists. Keep in mind, the waste will stay radioactive for thousands of years.

I also offered an amendment that would have prevented a temporary storage facility from being built until Yucca Mountain is deemed suitable for storage of high level radioactive waste. It seems logical, but none of these amendments were deemed suitable.

The important question here today is, Why do we not have an open rule so that the House of Representatives will be able to debate these and other critical issues on the House floor? When the American people find out what is really in this bill, there will be a deafening outcry. It will not be long before we will be hearing across the country a phrase similar to "hell no, we won't glow," as 15,000 shipments of nuclear waste comes rolling through the backyards of the people of the United States.

Members, do not let anyone tell us we have no choice but to pass this. There is an alternative. Do not move the waste. The sites where the waste exists will continue to be contaminated for thousands of years. Vote no on the rule; vote no on this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 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 thank the gentleman for yielding me the time.

I rise today in strong opposition to this rule. Today this institution has literally declared nuclear war on Nevada. This institution has failed not just the people of Nevada, but all of America. What could have been an open and honest debate on H.R. 1270 is now limited to a very narrow attempt to approve one of the worst bills that

has ever been debated by this body. Yes, the Committee on Commerce voted this out by a wide margin. But let me say that the Committee on Resources said no to this bill, the committee of joint jurisdiction.

In my brief time in Congress, I have done countless floor speeches, special orders, sent dear colleague letters out innumerable times, participated in national radio shows, and been interviewed by the national press on this issue. This effort has yielded great strides toward exposing the gross negligent effort of the environmental lobby. It has avoided environmental protection, transportation, safety, and health issues, as all my colleagues have stated. This House has denied those of us in opposition to this bill the opportunity to debate these issues in an open and honest forum.

This has failed the American people. I testified before the Committee on Rules asking them to make in order five simple amendments. This was a small request when considering the potential impact that it could have on the State of Nevada and especially on the district that I represent. I am not here to tie up the floor, but to correct the ill-thought-out misgivings of this legislation.

This rule will only permit me to offer two minor amendments tomorrow, two minor amendments on a bill that could devastate the environment, pollute our water supplies, contaminate entire communities across America, and maybe, yes, even maybe your community.

Vote no on the rule and allow our voices to be heard and permit this institution to do its work.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise today in opposition to the rule. I am a member of the Committee on Commerce, the committee with jurisdiction, and went before the Committee on Rules with an amendment that I think is a very good compromise and certainly something that should be discussed with regard to this very important issue. My amendment was not made in order so I will oppose the rule.

I agree with the gentleman from Nevada [Mr. ENSIGN] that on such an important issue as this, when we are essentially debating nuclear policy in this country, we should have allowed an open rule or, at the very least, we should have allowed pertinent amendments, certainly from members of the committee, to be able to present those amendments.

We all know that the President is probably going to veto this bill in its current form and even though I voted for the bill in committee, we know that we will probably have to come back next year and debate this again. And if we are going to debate the issue of nuclear waste, then certainly we need to

have all the ideas on the table, particularly when there are very serious proposals of compromises that may ultimately have to be hammered out in this body. I just do not understand why my amendment and some of the other very pertinent amendments were not made in order by the rule. Therefore, I think it is a bad rule and ought to be defeated.

My amendment would have permitted utilities to spend fees coming into the nuclear waste trust fund for on-site storage prior to the construction of an interim or final repository. The fees, as the gentleman from Colorado said, have been collected. They have not been doing very much and I think that the fees that the public has been paying would be used, could be used to keep the nuclear waste at the facilities until we can decide where it ought to be permanently buried.

This approach would allow plants to address their waste problem now instead of in 2002, the date when H.R. 1270 foresees completion of the interim repository near Yucca Mountain, because by next year, Mr. Speaker, 26 nuclear reactors will have run out of storage space. This is a problem we must address now, not 5 years from now.

I offered this amendment in the Committee on Commerce, but withdrew it because it had not yet been reviewed by CBO and scored. I also did it to give my colleagues a chance on the committee to consider the measure. It has since been scored and will result in no additional costs.

My amendment addresses many of the problems not addressed by H.R. 1270. First, we all agree that the average ratepayer has been on the short end of the stick during this process as the trust fund is used to balance the budget, not for this purpose. My amendment would have put our constituents' money to its designated purpose, storage of spent nuclear fuel.

Second, it would allow powerplants which are running out of pool space to create interim storage on site without passing all of the massive costs to the taxpayers on top of fees they pay to the trust fund.

Third, it allows the powerplants an economically viable way to stay open when they run out of storage space and, again, the nuclear waste would not have to be trucked through our communities because it would be able to be stored at the site itself.

Fourth, it offers a method to provide interim storage without the inherent risks in transportation and security and without creating powerful momentum for starting the permanent repository at Yucca Mountain before the science is completed, before the study is completed.

So once again, Mr. Speaker, I must unfortunately oppose the rule for H.R. 1270, because my amendment was not made in order and other amendments were not made in order. If we cannot have a very important discussion of this very important issue, then I think

the rule is defective and ought to be defeated.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington [Mr. HASTINGS] has 15½ minutes remaining, and the gentleman from Ohio [Mr. HALL] has 18 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I rise in strong support of this rule and this bill.

Some will argue that we need more time to study, we need more time to debate. I would suggest this issue has been debated and has been studied for years and years. In fact, ratepayers around the United States have paid \$13 billion, and let us remind every Member who may be listening to this debate that a promise is a promise.

Since the dawn of the nuclear age and since the first nuclear powerplant, the Federal Government has promised that we would find a permanent storage site. This bill would recognize that the Department of Energy has an obligation to create a storage area in an area about the size of the State of Connecticut and this recognizes that it is time that we live up to that end of our bargain. The Federal court of appeals has ruled that we have that obligation. It is a binding obligation under the 1982 Nuclear Waste Policy Act.

Mr. Speaker, I think the time has long since passed for Congress to take action. Where I come from a deal is a deal and a bargain is a bargain. The time has come for us as representatives of the Federal Government to live up to our end of that bargain.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes and 30 seconds to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, we are making one of the most important environmental decisions that the Congress has ever been confronted with. We are going to take all of the nuclear waste that has ever been generated at any nuclear powerplant in the United States, and we are going to find one location somewhere in the United States, and we are going to dump it all there.

Now, one would think on an issue of such grave importance that we would have a very well-thought-out scientific process that we would use. In fact, we are doing just the opposite. In 1982, we did set up a process that would find the best scientifically obtainable site in the United States. And in 1987, Congress got a little frustrated and they said, no, we are not going to have that search. We are going to pick Yucca Mountain in Nevada. We do not know if that is the right site, but we are picking it. Congress is picking it. Not geologists, not scientists, but Congress picked it.

Now it is 10 years later and Congress is unhappy with the pace of 10 years of the Reagan and Bush administrations and 5 years of the Clinton administration's DOE trying to determine if this site is the right place.

So what are we saying today? We are saying, we are not going to bury it permanently at Yucca Mountain. We are giving up on a permanent burial. We are going to build an above-ground mausoleum for all this stuff and we are going to ship it across the country to this site. We are giving up.

We are going to have a vote here today to never bury nuclear waste permanently in the United States. We are building an above-ground facility. We are sticking this nuclear queen of spades, because no one else wants it, with Nevada. They lose. Fifty States, 50 cards, they lose. And they lose because Texas does not want it. Louisiana does not want it. Washington State does not want it. Massachusetts does not want it. New York does not want it. You can be pronuclear all you want, but when we say, how would you like all the spent fuel from nuclear powerplants, it is, not in my backyard, no thanks. We are picking Nevada.

So I asked the committee for a rule, if you are going to ship all of this stuff across America in trucks. Guess what they do? They say that for the purposes of ensuring that we get it off site in all these individual States, we are going to have in this bill something that says that it is not a major Federal action. That is right, Mr. Speaker. This bill says that putting all the nuclear waste in America on railroad cars, in trucks shipping it to Nevada, storing it there for 10,000 years is not a major Federal action. As a result, you suspend NEPA, the constitution of the environment of the United States, and the National Environmental Policy Act.

□ 1300

We suspend it. So we can assume a lot of things. We can assume it is going to be safe. We can assume that we do not need extra protections. That is what we are doing here. Not scientists, not geologists, not physicians, Congress is assuming it is going to be safe, nuclear waste. Nobody wants it. "Don't get it near me." It is like kryptonite. "Don't get it near my district." We are going to assume it is safe.

So, believe it or not, in this bill they say that if there is a trucking company and they get the contract from DOE to ship all this stuff in thousands of truckloads all across the country, that the trucking company is indemnified against any lawsuit even if they engage in willful gross misconduct. That is right. If they hire truck drivers who are drunk, who are on antidepressants, who are driving after midnight 100 miles an hour through our neighborhood and they crash through our neighborhood and leave a nuclear waste dump there for generations, we cannot sue the trucking company.

Now, I asked for an amendment to be placed in order, that at least we can

make the trucking company liable. If someone brought nitroglycerin through our neighborhood and there was an explosion, we could sue them. If they brought TNT through our neighborhood and it exploded, we could sue them. But if they bring nuclear waste through the neighborhood, we here this Congress are saying the trucking company should not be liable.

My amendment has not been allowed to be put in order. And why is that? Because this generation that enjoyed nuclear power does not want to pay the price of burying this waste permanently. It is going to cost a lot of money. Instead, we engage in a thermonuclear ponzi game. We get the benefit of the electricity. We pass on to three or four generations from now the responsibility of finding a way of burying it because we are not going to do it.

Today is the official buck-passing day intergenerationally. In the same way that Congress irresponsibly for 20 years kept passing on the deficit to the next generation, we are now doing the same thing with environmental issues. Rather than bearing the burden today for the benefits that this generation received from the electricity generated from this source of power, we are all saying here today, well, we get a lot of electric utility executives that just want it off-site. Do we think they are ever going to call back again once they get it off-site? I do not think so.

This rule should have more opportunities for amendments to be made to cure the defects that are in it. I hope that the Members vote "no."

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding me the time.

Mr. Speaker, I oppose this rule because it fails to address the concerns my colleagues and I have with this nuclear waste bill. The Committee on Rules decided not to grant an open rule for the consideration of the bill, and it has precluded debate on the important environmental aspects of the bill. I am deeply concerned that, given the importance of this legislation and given the severe environmental impacts, that the process for full, fair and open debate has been precluded.

In the Committee on Commerce I offered an amendment which would require that the interim and permanent nuclear waste storage disposal site conform to the National Environmental Policy Act or NEPA. In the Committee on Rules my colleague from Nevada [Mr. ENSIGN] and I wanted to offer this amendment on the floor. We believe it is important that NEPA allow a thorough review of the environmental aspects when the Federal Government undertakes a major action, such as storage of high-level nuclear waste at

this site. We have the NEPA law in effect today because there is an important need for the Federal Government to honestly consider all of the ramifications and options before it takes such an important environmental step.

In this case, we are going to pool high-level nuclear waste from our Nation's power plants which will stay there for the next 10 to 10,000 years. This is an environmental impact we cannot ignore. I urge a "no" vote on the rule and on the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Speaker, transporting hazardous waste is a dangerous business, and transporting nuclear waste is certainly the most dangerous business of all. That is why I rise in opposition to this rule and to this legislation which would seriously undermine our efforts to keep our communities safe from nuclear waste.

Over the past 10 years my own State of Massachusetts witnessed more than 2,200 transportation-related accidents that resulted in the release of hazardous materials. Fifty-two of those accidents resulted in individual injuries costing more than \$5.25 million in damages.

Fortunately, we do not ship a great deal of nuclear waste. Over the past 30 years we have shipped less than 2,500 truckloads of this incredibly dangerous material. But if this bill becomes law, my State of Massachusetts will see over 100,000 more shipments over the next 30 years. That is more than a 4,000-percent increase.

If only 1 percent of transported radioactive waste were released, the Department of Energy has estimated that it would contaminate 42 square miles, would require 460 days to deal with, and would cost over \$620 million to clean up. That would spell disaster for families throughout my district and all across this Nation.

Who exactly would be affected? Well, the State of Nevada has prepared a map using the Department of Energy's own computer code, demonstrating that one truck path would run right through a dozen communities in my own congressional district. This map shows that the towns of Mansfield, Foxborough, Wrentham, Plainville, Franklin, Hopkinton, Westborough, Grafton, Auburn, and my hometown of Worcester would all be at risk under this legislation, and I cannot let that happen.

Section 501 of this bill ignores all of our efforts to craft balanced environmental laws by exempting every environmental regulation with which every other project in this Nation must comply. If that were not bad enough, we are learning more and more about the potential hazards of the site at Yucca Mountain, NV. Yucca Mountain is in the middle of a major fault line, and evidence shows that seismic activity at that site is greater than anticipated. That makes Yucca Mountain not mere-

ly a puzzling choice for nuclear waste storage, but a frightening one indeed.

Mr. Speaker, President Clinton has promised to veto this misguided legislation, and I applaud him for his leadership. The President understands that we already have a process in place to study and determine how best to deal with these toxic materials, and amending that process in a way that endangers our Nation's families is simply unacceptable.

This legislation would subvert reasonable safety measures established by the National Environmental Policy Act and Environmental Protection Agency, safety measures designed to protect communities all across the Nation from the devastating effects of nuclear waste spills.

Certainly we all understand the need to effectively deal with nuclear waste, but we have a moral obligation to our Nation to go about it in a way that protects our children and safeguards our environment. I strongly urge my colleagues to say "no" to this rule, "no" to this legislation, and "yes" to our future.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule, and I wanted to commend the gentleman from New York [Mr. SOLOMON]. He never ducks tough issues. It is tough lining up on an issue on the gentleman from Nevada [Mr. GIBBONS], but I think he has done one of the greatest jobs in the country. I mean that.

But I have two amendments. One says, look, if we are going to spend money, and the bill is trying to buy American products, and I want to thank the gentleman from New York [Mr. SOLOMON] for helping us buy more American products. He helped me ever since I was a new Member, and I appreciate it.

The other amendment has been a little bit of a controversy. This is a controversial bill. But the chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, and the ranking member, the gentleman from Texas, Mr. HALL, do not duck controversial issues, and I am hoping that there could be some workout here and agreement that would reach the agreement of all of Congress. But Congress must work its will.

But the second Traficant amendment, known as No. 3, is very significant. It is very controversial to be transporting and storing spent nuclear fuel and waste, but what is worse is if America would become the dumping ground for nuclear spent fuel around the world. So the Traficant original amendment was designed to say, look, this deals with American spent nuclear fuel and the storage of only American nuclear spent fuel.

But then I did come to an understanding that there are certain international agreements and memorandums of understanding whereby we do

accept foreign spent fuel, and we want to because we do not want it reprocessed and used against us by the wrong hands. And I do not disagree with that, for sure.

So I will be asking unanimous consent when I offer my amendment, that will retrofit it with language that says whenever there is an international agreement that allows for our taking, or a military agreement which allows for our taking in foreign spent fuel, that it would be so allowed, but that the commercialization of dumping nuclear spent waste fuel would be prohibited.

So that is what it is. I am going to support this rule. I normally support the rule. I think the Committee on Rules has been very, very fair, and I am hoping that some of these other agreements that are of concern to the gentleman from Nevada [Mr. GIBBONS] and the gentleman from Nevada [Mr. ENSIGN] can be worked out. I have the highest regard for both of them.

Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL], one the deans now for such a young man in the Congress, for yielding me the time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding.

I did want to respond, of course, to some of the assertions made by my colleague from Minnesota that the Federal court has obligated us to accept the nuclear energy industry's waste. That is just not so.

H.R. 1270 will state that the Federal court is legally bound to begin accepting waste by January 31, 1998. That is not what the court said. The court ruled, in *Indiana Michigan Power versus DOE*, that the Department of Energy needs to determine whether or not the delay in beginning the disposal of spent fuel is unavoidable within the meaning of Article IX of their contract.

Article IX provides, in brief, that "neither the Government nor the contractor or contract holder shall be liable for damages caused by failure to perform its obligations if such failure arises out of causes beyond and without the fault or negligence of the party failing to perform. In the event of an unavoidable delay, the parties are to readjust schedules as appropriate to accommodate the delay."

Let me read that again: "In the event of an unavoidable delay, the parties are to readjust schedules as appropriate to accommodate the delay."

The Office of Civilian Radioactive Waste Management contends that the delay was unavoidable and the Department of Energy would not be liable and not be required to accept this nuclear waste.

My colleagues, I urge a "no" vote on this rule because the House fails to understand that the law does not require the Federal Government to begin accepting nuclear waste. That is what

the court said in *Indiana Michigan Power versus DOE*.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the other distinguished gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, I thank the gentleman from Washington [Mr. HASTINGS] for yielding me the time.

Let me reemphasize a couple of points my colleague, the gentleman from Nevada [Mr. GIBBONS] brought up: first of all, that the court decision that everybody talks about, that we have an obligation to take this waste, that the Federal Government has, what the gentleman from Nevada [Mr. GIBBONS] said is true. Also, in the court they did say that some kind of a remedy must take place.

However, there are all kind of options on those remedies. Those options range from escrowing nuclear waste trust fund fees, taking title on site, or setting up an interim storage facility in the current law anywhere other than the State of Nevada. This bill seeks to change current law, to wipe it out, saying that permanent repository State also gets interim. In the first two bills on nuclear waste, whatever State was going to get permanent could not get interim because it would prejudice the siting, whether it is suitable or not to put nuclear waste in a deep geological storage facility.

Let me just mention a couple things on transport of the waste, as well, because this is really one of the big issues. In Germany they tried to transport high-level nuclear waste approximately 300 miles, just 300 miles, not thousands of miles like we are going to do in this country, just 300 miles. It took 30,000 police officers because there was so much civil unrest because of the transport of this waste. One hundred seventy-three people were injured during this ruckus. There are going to be similar types of civil disobedience, we can bet on it, in America if we go to transporting nuclear waste. The sad thing about it is it is not necessary. The technology exists to do on-site dry cast storage right where it is.

And reprocessing has been talked about today. It was talked about by the gentleman who manages time on this side. If we ever want to get to reprocessing, once we ship it to Nevada, we will never be able to reprocess. That will end that debate forever.

□ 1315

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I would ask Members to vote against the rule. I think that Republicans and Democrats on both sides feel that the rule is faulty, it is a structured rule, it is not open. There are amendments that should be in order that are not in order. I think in the bill itself, while I am not an expert on this issue, the bill really appears to be very deficient. For that reason, I would ask that the House vote against the rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time. I would say to the previous speaker, I hope he did not say that this rule was phony. I hope I misunderstood what he said.

Mr. Speaker, let me just say I rise in very, very strong support of this rule and of this bill. I want to say right off the bat that if I ever had to go into combat, by golly, there are two people in this body I would want by my side. One is the gentleman from Nevada [Mr. ENSIGN], and one is the gentleman from Nevada [Mr. GIBBONS]. I hope we live to fight many battles on this floor in the future side by side.

Let me also comment on the very eloquent gentleman from Massachusetts [Mr. MARKEY], who was here a few minutes ago, because he really was good. He always is. He is very eloquent and he has done his homework. But he is really criticizing this bill and that mystifies me, because this bill was reported out of the Committee on Commerce, which is a committee made up of a really diverse membership of this body, a real cross-section. We have got liberals, we have got conservatives and moderates from both political parties. The bill was reported 43-3. That means that all these liberals and these conservatives from the far right and the far left and in the middle must have voted for this bill. Let me read the Democrats, because this floors me when the gentleman from Massachusetts [Mr. MARKEY] stands up here, he says, "We are against this bill." Well, who is "we"? The gentleman from Michigan [Mr. DINGELL]? I mean, the dean of this delegation, of the Democratic side and of this whole Congress who has been here for how many years? Forty some years. He is for this bill. So is the gentleman from Texas [Mr. HALL]. Then we have the gentleman from Virginia [Mr. BOUCHER]. The gentleman from New York [Mr. TOWNS]. The gentleman from New Jersey [Mr. PALLONE], who is a noted green advocate in this Congress who takes this well day after day. He voted for this bill. The gentleman from Tennessee [Mr. GORDON], the gentleman from Florida [Mr. DEUTSCH], the gentleman from Illinois [Mr. RUSH], the gentleman from Pennsylvania [Mr. KLICK], the gentleman from Michigan [Mr. STUPAK]. The gentleman from New York [Mr. ENGEL], who was just here complaining in the well about the bill, voted for this bill. The gentleman from Maryland [Mr. WYNN], the gentleman from Texas [Mr. GREEN], the gentleman from Missouri [Ms. MCCARTHY], the gentleman from Ohio [Mr. STRICKLAND], the gentlewoman from Colorado [Ms. DEGETTE]. No, she did not. I beg your pardon. She was one of the 3 that voted against it. But I look at the cosponsors of this bill, 160 some

odd, and lo and behold, there is the gentleman from New York [Mr. BOEH-LERT]. He is the leader of the green Republicans. He is a cosponsor. Then you have got JERRY SOLOMON, me, and I am the leader of the opposite. I am the leader of property rights in this Congress. It seems to me that we have got everybody for this bill.

Some of the people were complaining this bill is not fair. Mr. Speaker, we have 6 legislative days left before we get out of here on November 7, these are full legislative days, when Members ought to get out of here and go back home and meet with their constituents. We should not even be here 10 months out of the year in the first place. We ought to be here 3 or 4 months and then back in our districts representing our people. People are complaining. They want to stay here.

Sure, we could have had an open rule on this bill and we could have spent 4 days on it, 4 out of the 6 remaining days. My colleagues know that is not possible. We made 5 Democrat amendments in order. They are significant amendments as I read them. We made 4 Republican amendments in order, two by the gentleman from Nevada [Mr. ENSIGN] and two by the gentleman from Nevada [Mr. GIBBONS]. One of those gentlemen stood up here and they said that, well, they are minor and insignificant amendments. I am going to tell these two gentlemen and anybody else in this body, do not ever come to the Committee on Rules and offer to make in order insignificant and minor amendments. I do not want to waste my time up there. If you want to have serious amendments, come up there and offer them and we will make them in order.

Let me just give my colleagues an example of one of these. The gentleman from Nevada [Mr. ENSIGN] has an amendment made in order that ensures that a risk assessment study and a cost-benefit analysis are conducted prior to any action being taken under this act. I think that is significant. Here is another by the gentleman from Nevada [Mr. GIBBONS], who I want by my side. He says:

The Governor of each State, with nuclear waste routes, shall certify that "emergency response teams" exist and can properly manage any nuclear accident before transportation plans can be implemented by the Secretary.

I think that is very significant. I have two prototype nuclear reactors in my district in the Adirondack Mountains, where we train most of the nuclear sailors. We do not train them down in Groton, CT, on the sea. We train them up in the mountains. What are we going to do with that waste up there? We are going to have to get it out of there. We are going to take it to Nevada.

Mr. Speaker, I think I have just about covered it, except to say that some other people were complaining there was not much time allocated. By the time the Members have finished

today they will have spent more than 6 hours on this bill. How many times have we dealt with the national defense budget of this country and not spent 6 hours spending \$280 billion of the taxpayers' money? This rule is fair. The bill is good. Members ought to come over here, vote for the rule and vote for the bill and let us stop this business.

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

The previous question was ordered.

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

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

Mr. ENSIGN. 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 259, nays 155, not voting 18, as follows:

[Roll No. 536]

YEAS—259

Aderholt	Crapo	Hill
Archer	Danner	Hilleary
Armey	Davis (FL)	Hinojosa
Bachus	Davis (VA)	Hobson
Baker	Deal	Hoekstra
Ballenger	DeLay	Horn
Barcia	Deutsch	Hostettler
Barr	Diaz-Balart	Hulshof
Barrett (NE)	Dicks	Hunter
Bartlett	Dingell	Hutchinson
Barton	Dooley	Hyde
Bass	Doolittle	Inglis
Bateman	Dreier	Istook
Bentsen	Duncan	Jenkins
Bereuter	Dunn	John
Berry	Edwards	Johnson (CT)
Bilbray	Ehlers	Johnson, E. B.
Billakis	Ehrlich	Johnson, Sam
Bliley	Emerson	Jones
Blunt	Eshoo	Kanjorski
Boehlert	Etheridge	Kennelly
Boehner	Everett	Kildee
Bonilla	Ewing	Kim
Bonior	Farr	King (NY)
Bono	Fawell	Klink
Boswell	Fazio	Klug
Boucher	Foley	LaHood
Boyd	Forbes	Lampson
Brady	Fowler	Latham
Bunning	Franks (NJ)	LaTourette
Burr	Frelinghuysen	Lazio
Burton	Frost	Leach
Buyer	Gallegly	Levin
Callahan	Ganske	Lewis (CA)
Calvert	Gejdenson	Lewis (KY)
Camp	Gekas	Linder
Campbell	Gillmor	Lipinski
Canady	Gilman	Livingston
Cannon	Goode	LoBiondo
Castle	Goodlatte	Manton
Chabot	Goodling	Manzullo
Chambliss	Gordon	McCarthy (NY)
Chenoweth	Goss	McCollum
Clayton	Graham	McCrery
Clement	Granger	McDade
Clyburn	Green	McHugh
Coble	Greenwood	McInnis
Coburn	Gutknecht	McIntyre
Collins	Hall (TX)	McKeon
Combest	Hamilton	Metcalf
Condit	Hastert	Mica
Cook	Hastings (WA)	Miller (FL)
Cooksey	Hayworth	Mollohan
Cox	Hefley	Moran (KS)
Cramer	Hefner	Morella
Crane	Herger	Myrick

Nethercutt	Rogers	Spratt
Ney	Rohrabacher	Stearns
Northup	Ros-Lehtinen	Stenholm
Norwood	Roukema	Strickland
Nussle	Royce	Stump
Oxley	Rush	Stupak
Packard	Ryun	Sununu
Pappas	Sabo	Tanner
Parker	Salmon	Tauzin
Pastor	Sanchez	Taylor (MS)
Paul	Sandlin	Thomas
Paxon	Sanford	Thornberry
Pease	Saxton	Thune
Peterson (MN)	Schaefer, Dan	Thurman
Peterson (PA)	Schaffer, Bob	Tiahrt
Petri	Sensenbrenner	Trafigant
Pickering	Sessions	Turner
Pickett	Shadegg	Upton
Pitts	Shaw	Visclosky
Pomeroy	Shays	Walsh
Porter	Shimkus	Watkins
Portman	Shuster	Watt (NC)
Price (NC)	Sisisky	Weldon (PA)
Pryce (OH)	Skeen	Weller
Quinn	Skelton	Wexler
Ramstad	Smith (MI)	White
Redmond	Smith (TX)	Whitfield
Regula	Smith, Linda	Wicker
Riggs	Snowbarger	Young (FL)
Riley	Solomon	
Rogan	Spence	

NAYS—155

Abercrombie	Hastings (FL)	Obey
Ackerman	Hilliard	Oliver
Allen	Hinchey	Ortiz
Andrews	Holden	Owens
Baesler	Hooley	Pallone
Baldacci	Hoyer	Pascarell
Barrett (WI)	Jackson (IL)	Pombo
Becerra	Jackson-Lee	Poshard
Berman	(TX)	Radanovich
Bishop	Jefferson	Rahall
Blagojevich	Johnson (WI)	Rangel
Blumenauer	Kaptur	Reyes
Borski	Kasich	Rivers
Brown (FL)	Kennedy (MA)	Rodriguez
Brown (OH)	Kennedy (RI)	Roemer
Bryant	Kilpatrick	Rothman
Cardin	Kind (WI)	Roybal-Allard
Carson	Kingston	Sanders
Christensen	Klecza	Sawyer
Clay	Kucinich	Schumer
Conyers	LaFalce	Scott
Costello	Lantos	Serrano
Coyne	Largent	Sherman
Cummings	Lewis (GA)	Skaggs
Cunningham	Lofgren	Slaughter
Davis (IL)	Lowey	Smith (NJ)
DeFazio	Lucas	Smith (OR)
DeGette	Luther	Smith, Adam
Delahunt	Maloney (CT)	Snyder
DeLauro	Maloney (NY)	Souder
Dellums	Markey	Stabenow
Dickey	Martinez	Stark
Dixon	Mascara	Talent
Doggett	McCarthy (MO)	Tauscher
Doyle	McDermott	Taylor (NC)
Engel	McGovern	Thompson
English	McHale	Tierney
Ensign	McKinney	Torres
Evans	McNulty	Towns
Fattah	Meehan	Velazquez
Filner	Menendez	Vento
Flake	Millender	Wamp
Foglietta	McDonald	Waters
Ford	Miller (CA)	Watts (OK)
Fox	Minge	Waxman
Frank (MA)	Mink	Weygand
Furse	Moakley	Wise
Gephardt	Moran (VA)	Woolsey
Gibbons	Murtha	Wynn
Gutierrez	Nadler	Yates
Hall (OH)	Neal	Young (AK)
Hansen	Neumann	
Harman	Oberstar	

NOT VOTING—18

Brown (CA)	Knollenberg	Pelosi
Cubin	Kolbe	Scarborough
Gilchrist	Matsui	Schiff
Gonzalez	McIntosh	Stokes
Houghton	Meek	Weldon (FL)
Kelly	Payne	Wolf

□ 1343

Messrs. OBEY, McNULTY, and HOLDEN changed their vote from "yea" to "nay."

Mrs. CLAYTON and Messrs. HUTCHINSON, COX of California, BOSWELL, LEWIS of California, and RUSH changed their vote from "nay" to "yea."

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.

PERSONAL EXPLANATION

Mr. KNOLLENBERG. Mr. Speaker, on roll-call No. 536, I was inadvertently detained. Had I been present, I would have voted "yes."

□ 1345

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF OCTOBER 31, 1997

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 287) pursuant to rule IX and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 287

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and