

pay the INS \$1,000 to change their status from illegal to legal without appropriate back ground checks.

Who benefits most from 245(i)? People who illegally cross our borders or overstay their visas. In other words, it benefits illegal aliens. Consequently, 245(i) sends a dangerous message to the world. The message. "Don't wait to legally enter the United States. Come illegally and have your status adjusted for only \$1,000."

Mr. Speaker, 245(i) also creates a very real threat to our Nation's national security and to the safety of our citizens. While many aliens who come to this country illegally do so to find a better way of life, others have more sinister reasons. The recent arrest in New York of two possible suicide bombers illustrates how easily criminals and terrorists can evade our immigration controls. Simply put, 245(i) makes it easier for dangerous criminals and terrorists to enter and remain in this country. Worse yet, they can stay without being subjected to criminal background checks in their home countries.

If this is true, then why would the INS support 245(i)? The answer is simple, Mr. Speaker. The INS supports 245(i) to make a buck and to lighten their caseload. For example, INS argues that it needs 245(i) because the provision expedites thousands of green card applications a year. They also say that the provision raises more than \$200 million a year in badly needed funds. Yet, at \$1,000 per person, INS is allowing more than 200,000 additional illegal aliens a year to remain in this country. I do not believe that INS should continue to risk American lives, create additional burdens on government services, and cost American jobs just to make a buck or to lighten their caseload.

Mr. Speaker, 245(i) may work well for illegal aliens and INS, but it does not work well for the American people. It is time we do the right thing and let 245(i) expire. I urge your support of this important motion.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. ROHRABACHER].

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

Mr. ROHRABACHER. 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 153, nays 268, answered "present" 1, not voting 10, as follows:

[Roll No. 541]

YEAS—153

Aderholt	Barton	Bliley
Archer	Bass	Blunt
Baker	Bateman	Boehner
Barr	Bereuter	Bono
Barrett (NE)	Bilbray	Boyd
Bartlett	Bilirakis	Brady

Bryant	Hastert	Pitts
Bunning	Hastings (WA)	Porter
Burton	Hayworth	Pryce (OH)
Callahan	Hefley	Radanovich
Calvert	Herger	Riggs
Campbell	Hill	Roemer
Canady	Hilleary	Rogan
Chambliss	Hobson	Rohrabacher
Christensen	Horn	Roukema
Coble	Hostettler	Royce
Coburn	Hulshof	Ryun
Collins	Hunter	Salmon
Combest	Hutchinson	Sanford
Cooksey	Inglis	Scarborough
Cox	Istook	Schaefer, Dan
Cunningham	Johnson, Sam	Schaffer, Bob
Deal	Jones	Sensenbrenner
DeLay	Kasich	Sessions
Dickey	Kingston	Shadegg
Doolittle	Klug	Shaw
Dreier	Largent	Shimkus
Duncan	Lewis (CA)	Shuster
Dunn	Lewis (KY)	Skeen
Ehrlich	Linder	Smith (MI)
Emerson	LoBiondo	Smith (OR)
Ensign	Lucas	Smith (TX)
Everett	Manzullo	Snowbarger
Ewing	McCollum	Solomon
Fawell	McCrery	Spence
Foley	McKeon	Stearns
Fowler	Mica	Stump
Franks (NJ)	Miller (FL)	Sununu
Frelinghuysen	Moran (KS)	Tauzin
Galleghy	Nethercutt	Taylor (MS)
Ganske	Neumann	Taylor (NC)
Gibbons	Ney	Thune
Gillmor	Northup	Tiahrt
Goode	Norwood	Trafficant
Goodlatte	Packard	Wamp
Goodling	Parker	Watkins
Goss	Paxon	Weldon (PA)
Graham	Pease	Whitfield
Greenwood	Peterson (PA)	Wicker
Gutknecht	Petri	Wolf
Hansen	Pickering	Young (FL)

NAYS—268

Abercrombie	Davis (VA)	Hooley
Ackerman	DeGette	Hoyer
Allen	Delahunt	Hyde
Andrews	DeLauro	Jackson (IL)
Arney	Dellums	Jackson-Lee
Bachus	Deutsch	(TX)
Baessler	Diaz-Balart	Jefferson
Baldacci	Dicks	Jenkins
Ballenger	Dingell	John
Barcia	Dixon	Johnson (CT)
Barrett (WI)	Doggett	Johnson (WI)
Becerra	Dooley	Johnson, E. B.
Bentsen	Doyle	Kanjorski
Berman	Edwards	Kaptur
Berry	Ehlers	Kennedy (MA)
Bishop	Engel	Kennedy (RI)
Blagojevich	English	Kennelly
Blumenauer	Eshoo	Kildee
Boehrlert	Etheridge	Kilpatrick
Bonilla	Evans	Kim
Bonior	Farr	Kind (WI)
Borski	Fattah	King (NY)
Boswell	Fazio	Kleczka
Boucher	Filner	Klink
Brown (CA)	Flake	Knollenberg
Brown (FL)	Foglietta	Kolbe
Brown (OH)	Forbes	Kucinich
Burr	Ford	LaFalce
Buyer	Fox	LaHood
Camp	Frank (MA)	Lampson
Cannon	Frost	Lantos
Cardin	Furse	Latham
Carson	Gejdenson	LaTourette
Castle	Gekas	Lazio
Chabot	Gephardt	Leach
Chenoweth	Gilchrest	Levin
Clay	Gilman	Lewis (GA)
Clayton	Gordon	Lipinski
Clement	Granger	Livingston
Clyburn	Green	Lofgren
Condit	Gutierrez	Lowe
Conyers	Hall (OH)	Luther
Cook	Hall (TX)	Maloney (CT)
Costello	Hamilton	Maloney (NY)
Coyne	Harman	Manton
Cramer	Hastings (FL)	Markey
Crane	Hefner	Martinez
Crapo	Hilliard	Mascara
Cummings	Hinchey	Matsui
Danner	Hinojosa	McCarthy (MO)
Davis (FL)	Hoekstra	McCarthy (NY)
Davis (IL)	Holden	McDade

McDermott	Peterson (MN)	Smith, Linda
McGovern	Pickett	Snyder
McHale	Pombo	Souder
McHugh	Pomeroy	Spratt
McInnis	Portman	Stabenow
McIntyre	Poshard	Stark
McKinney	Price (NC)	Stenholm
McNulty	Quinn	Strickland
Meehan	Rahall	Stupak
Meek	Ramstad	Talent
Menendez	Rangel	Tanner
Metcalfe	Redmond	Tauscher
Millender-McDonald	Regula	Thomas
Miller (CA)	Rivers	Thompson
Minge	Rodriguez	Thornberry
Mink	Rogers	Thurman
Moakley	Ros-Lehtinen	Tierney
Mollohan	Rothman	Torres
Moran (VA)	Roybal-Allard	Towns
Morella	Rush	Turner
Murtha	Sabo	Upton
Myrick	Sanchez	Velazquez
Nadler	Sanders	Vento
Neal	Sandlin	Visclosky
Nussle	Sawyer	Walsh
Oberstar	Saxton	Waters
Obey	Schumer	Watt (NC)
Olver	Scott	Watts (OK)
Ortiz	Serrano	Waxman
Owens	Shays	Weller
Oxley	Sherman	Wexler
Pallone	Sisisky	Weygand
Pappas	Skaggs	White
Pascrell	Skelton	Wise
Pastor	Slaughter	Woolsey
Paul	Smith (NJ)	Wynn
Pelosi	Smith, Adam	Yates
		Young (AK)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—10

Cubin	McIntosh	Stokes
Gonzalez	Payne	Weldon (FL)
Houghton	Riley	
Kelly	Schiff	

□ 1617

Mr. VISCLOSKEY, Mr. MCINNIS and Ms. DELAURO changed their vote from "yea" to "nay."

Messrs. HEFLEY, SOLOMON, PACKARD and DELAY changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. THOMAS. Mr. Speaker, on roll call No. 541, I cast a "no" vote. I had intended to vote "aye."

#### NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore (Mr. CAMP). The Chair is prepared to declare the House resolved into the Committee of the Whole for consideration of H.R. 1270.

For what purpose does the gentleman from Nevada [Mr. ENSIGN] rise?

UNFUNDED MANDATE POINT OF ORDER

Mr. ENSIGN. Mr. Speaker, I rise to make a point of order under section 425 of the Budget Act on the basis that the provision beginning on page 56, line 15, imposes an unfunded intergovernmental mandate on State governments.

The SPEAKER pro tempore. 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 must specify precise language in the bill on which he predicates his point of order. Having met the threshold burden to identify specific language in the bill, the gentleman from Nevada [Mr. ENSIGN] and a Member opposed, the gentleman from Colorado [Mr. DAN SCHAEFER], each will control 10 minutes of debate on the question of consideration under 426(b)(4).

Pursuant to section 426(b)(3) of the Act, after debate, the Chair will put the question of consideration, to wit: "Will the bill H.R. 1270 be considered?"

The Chair recognizes the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, I yield myself such time as I may consume. The Congressional Budget Office states in its cost estimate of H.R. 1270, dated September 25, 1997, that H.R. 1270 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995, PL 104-4. CBO estimates that if this bill were enacted into law, the New York Power Authority, a publicly owned utility, would be required to pay \$180 million in the year 2002. The Unfunded Mandates Reform Act set a threshold of \$50 million for 1996, annually adjusted for inflation. Therefore, CBO estimates that these mandates would impose costs on State governments exceeding the threshold.

Mr. Speaker, I demand a ruling by the Chair that sustains my point of order against H.R. 1270 because it clearly violates the Unfunded Mandates Reform Act that forbade unfunded mandates on State and local governments.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, section 403(a)(3) of H.R. 1270 provides for payment of outstanding onetime fees owed by 13 utilities by the end of the fiscal year 2002. This provision is not in my estimation an unfunded intergovernmental mandate because it relates only to the timing of these payments. The obligation to pay these fees was created 15 years ago by the Nuclear Waste Policy Act of 1982, not by H.R. 1270.

I do have a letter here dated October 27, 1997, from the New York Power Authority, and it simply says:

Pursuant to the Nuclear Waste Policy Act of 1982, the Power Authority entered into a contract with the DOE for the disposal of spent nuclear fuel. We chose the option of paying the one-time disposal fee, and accumulated interest, for pre-1983 fuel at the time we first ship spent nuclear fuel to the DOE facility. Accordingly, we do not view this payment as an unfunded mandate, as long as DOE meets its obligation under H.R. 1270 to provide interim storage and disposal capacity.

Mr. Speaker, I think that a point of order is not inclined to be there.

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

Mr. ENSIGN. Mr. Speaker, I yield myself such time as I may consume. Just very briefly, the Congressional Budget Office definitely stated that this bill violates the unfunded mandate law that was part of the Contract With America. The gentleman stated that the State of New York wishes to waive this, or at least the public utility. However, the State of Nevada does not wish to waive its unfunded mandate, and that is why we are asking for a vote on this. A lot of people in this House in the last Congress voted for the unfunded mandate law, and we are asking that those people be consistent on their vote.

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

The SPEAKER pro tempore. Pursuant to section 426(b)(3) of the Congressional Budget Act, the question is: Shall the bill, H.R. 1270, be considered?

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 312, nays 105, not voting 15, as follows:

[Roll No. 542]

YEAS—312

Aderholt  
Allen  
Archer  
Armey  
Bachus  
Baker  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Bateman  
Bentsen  
Bereuter  
Berman  
Berry  
Bilbray  
Bilirakis  
Bishop  
Bliley  
Blunt  
Boehkert  
Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boswell  
Boucher  
Boyd  
Brady  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady

Cannon  
Cardin  
Castle  
Chabot  
Chambliss  
Chenoweth  
Clayton  
Clement  
Clyburn  
Coble  
Collins  
Combest  
Condit  
Conyers  
Cook  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crapo  
Cunningham  
Danner  
Davis (FL)  
Davis (VA)  
Deal  
DeLay  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Eshoo  
Etheridge  
Everett

Ewing  
Farr  
Fattah  
Fawell  
Fazio  
Flake  
Foley  
Forbes  
Fowler  
Fox  
Frank (MA)  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gejdenson  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green  
Greenwood  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hill  
Hilleary  
Hilliard  
Hobson  
Hoekstra  
Horn  
Hostettler  
Hoyer

Hulshof  
Hunter  
Hutchinson  
Inglis  
Istook  
Jenkins  
John  
Johnson (CT)  
Johnson (WI)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kanjorski  
Kaptur  
Kasich  
Kennelly  
Kildee  
Kim  
Kind (WI)  
King (NY)  
Klecza  
Klink  
Klug  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Levin  
Lewis (KY)  
Linder  
Lipinski  
Livingston  
LoBiondo  
Lofgren  
Luther  
Manton  
Manzullo  
Mascara  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McIntyre  
Menendez  
Metcalfe  
Mica  
Miller (FL)  
Minge  
Mollohan  
Moran (KS)  
Moran (VA)

Morella  
Murtha  
Myrick  
Neal  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Oxley  
Packard  
Pallone  
Pappas  
Parker  
Pastor  
Paxon  
Pease  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pickett  
Pitts  
Pomeroy  
Porter  
Portman  
Poshard  
Price (NC)  
Pryce (OH)  
Quinn  
Rahall  
Ramstad  
Redmond  
Regula  
Riggs  
Riley  
Rivers  
Rodriguez  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roukema  
Royce  
Rush  
Ryun  
Sabo  
Salmon  
Sandlin  
Sanford  
Sawyer  
Saxton  
Schaefer, Dan

NAYS—105

Abercrombie  
Ackerman  
Andrews  
Baesler  
Becerra  
Blagojevich  
Blumenauer  
Bryant  
Campbell  
Carson  
Christensen  
Clay  
Coburn  
Cooksey  
Cummings  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dellums  
Doggett  
Engel  
English  
Ensign  
Evans  
Filner  
Foglietta  
Ford  
Furse  
Gekas  
Gephardt  
Gibbons  
Gutierrez  
Hansen  
Harman

Hastings (FL)  
Hinchey  
Holden  
Hoolley  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Kennedy (MA)  
Kennedy (RI)  
Kilpatrick  
Kingston  
Kucinich  
LaFalce  
Lampson  
Lantos  
Lewis (CA)  
Lewis (GA)  
Lowey  
Lucas  
Maloney (CT)  
Maloney (NY)  
Markey  
Martinez  
Matsui  
McDermott  
McGovern  
McHale  
McKeon  
McKinney  
McNulty  
Meehan  
Meek  
Millender  
McDonald  
Miller (CA)

Schaffer, Bob  
Scott  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Shimkus  
Shuster  
Sisisky  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Smith, Linda  
Snowbarger  
Snyder  
Solomon  
Spence  
Spratt  
Stabenow  
Stark  
Stearns  
Stenholm  
Strickland  
Stump  
Stupak  
Sununu  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thompson  
Thornberry  
Thune  
Thurman  
Tiahrt  
Towns  
Traficant  
Turner  
Upton  
Vento  
Visclosky  
Walsh  
Wamp  
Watkins  
Weldon (PA)  
Weller  
Wexler  
White  
Whitfield  
Wicker  
Wolf  
Wynn  
Young (FL)

Mink  
Moakley  
Nadler  
Holden  
Owens  
Pascrell  
Paul  
Pelosi  
Pombo  
Radanovich  
Rangel  
Reyes  
Roemer  
Rothman  
Roybal-Allard  
Sanchez  
Sanders  
Scarborough  
Schumer  
Serrano  
Sherman  
Skaggs  
Slaughter  
Smith, Adam  
Souder  
Talent  
Tauscher  
Tierney  
Velazquez  
Waters  
Watt (NC)  
Watts (OK)  
Waxman  
Weygand  
Woolsey  
Young (AK)

## NOT VOTING—15

Cubin	Hyde	Stokes
Franks (NJ)	Kelly	Torres
Gonzalez	McIntosh	Weldon (FL)
Hinojosa	Payne	Wise
Houghton	Schiff	Yates

□ 1646

Messrs. DOGGETT, MEEHAN, SCHUMER, and MILLER of California changed their vote from "yea" to "nay."

Messrs. BROWN of Ohio and FLAKE changed their vote from "nay" to "yea."

So the House agreed to consider H.R. 1270.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

#### MODIFICATION OF AMENDMENT TO H.R. 1270, NUCLEAR WASTE POLICY ACT OF 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1270, pursuant to House Resolution 283, it may be in order to consider the amendment numbered 1 in House Report 105-354 in the modified form that I have placed on the desk.

The SPEAKER pro tempore (Mr. CAMP). The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 1, as modified, offered by Mr. DAN SCHAEFER of Colorado:

Page 19, line 2, insert before the period the following: ", using routes that minimize, to the maximum practicable extent and consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas"

Page 19, beginning in line 3, strike "In conjunction with" and insert the following:

"(1) IN GENERAL.—In conjunction with" and add after line 16 on page 19 the following:

"(2) RAIL ROUTES.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall establish procedures for the selection of preferred rail routes for the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage site and the repository site. Such procedures shall be established in consultation with the designated emergency services planning management official for any State or Indian tribe affected by the rail routes selected.

Page 20, line 20, insert after "organizations" the following: ", voluntary emergency response organizations,".

Page 24, line 16, strike "regulations promulgated by the Commission" and insert "existing Federal regulations".

Page 25, beginning on line 1, strike "The" and all that follows through "paragraph (1)" on line 3 and insert "If training standards are required to be promulgated under paragraph (1), such standards".

Page 25, line 5, strike "include the following provisions—" and insert "provide for—".

Page 25, after line 19, insert the following: "The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of subparagraphs (A) and (B)."

Page 43, strike lines 17 and all that follows through line 13 on page 44, and insert the following:

#### "SEC. 207. APPLICABILITY.

"Nothing in this Act shall affect the applicability of chapter 51 of title 49, United States Code; part A of subtitle V of title 49, United States Code; part B of subtitle VI of title 49, United States Code; and title 23, United States Code."

Page 81, after line 13, insert the following:

#### "SEC. 510. 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."

In the table of contents—

(1) in the item relating to section 207 amend the heading to read as follows: "Applicability"; and

(2) add at the end of title V the following:

"Sec. 510. Separability.

Page 21, line 6, redesignate subparagraph (B) as subparagraph (C) and insert after line 5 the following:

"(B) 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.

Mr. DAN SCHAEFER of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the modification is agreed to.

There was no objection.

#### THE NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 283 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1270.

□ 1648

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982, with Mr. MCINNIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. HALL] each will control 30 minutes. The gentleman from Alaska [Mr. YOUNG] and the gentleman from Massachusetts [Mr. MARKEY] each will control 10 minutes.

The Chair understands that the gentleman from Colorado, [Mr. DAN

SCHAEFER] will be recognized for the time of the gentleman from Virginia, [Mr. BLILEY], and the Chair recognizes the gentleman from Colorado, [Mr. DAN SCHAEFER].

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, today the House of Representatives is considering H.R. 1270, legislation to repeal the Nuclear Waste Policy Act of 1982 and replace it with the Nuclear Waste Policy Act of 1997. Mr. Chairman, H.R. 1270 was approved by the Committee on Commerce by a wide margin of 43 to 3, enjoys broad bipartisan support, and was carefully crafted over a 2½-year period.

H.R. 1270 achieves the following four principal goals: number one, the acceptance of nuclear waste at an interim storage facility in the year 2002; number two, it continues progress toward permanent disposal of nuclear waste at a geological repository; number three, it improves safety by consolidating storage of nuclear waste; and, four, it enhances consumer protection by ending the diversion of consumers' fees for other Federal programs.

Mr. Chairman, last year the U.S. Court of Appeals for the District of Columbia Circuit held in the Indiana Michigan Power Company that DOE has a legal obligation to begin acceptance of nuclear waste in January of 1998. It is impossible for DOE to fulfill its legal duty to begin acceptance in 1998, and under current programs that the DOE has, it will not be able to begin acceptance until the year 2010.

H.R. 1270 enables DOE to fulfill its legal obligation to begin acceptance at an interim storage facility in 2002, an earlier date that permits time for the NRC for licensing of this particular facility.

The overriding goal of the nuclear waste program since 1983 has been providing for permanent disposal of nuclear waste in a geological repository. That goal is strengthened by H.R. 1270. Congress has always sought to avoid a competition for funding between an interim storage facility and a repository. H.R. 1270 avoids such competition by providing ample funds to pursue both programs. According to DOE, the funding provisions of H.R. 1270 provide sufficient funds to provide for interim storage while maintaining the progress towards development of a permanent repository.

H.R. 1270 has protections designed to assure the interim storage facility cannot become a de facto permanent facility. There are statutory limits to the nuclear waste that can be stored in the interim facility, 40,000 metric tons, a small portion of the nuclear waste that will be generated, which is 115,000 metric tons.

The commitment to the repository in H.R. 1270 is reflected in the funding