

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
Bunning	Hastings (WA)
Burton	Hayworth
Callahan	Hefley
Calvert	Herger
Campbell	Hill
Canady	Hilleary
Chambliss	Hobson
Christensen	Horn
Coble	Hostettler
Coburn	Hulshof
Collins	Hunter
Combest	Hutchinson
Cooksey	Inglis
Cox	Istook
Cunningham	Johnson, Sam
Deal	Jones
DeLay	Kasich
Dickey	Kingston
Doolittle	Klug
Dreier	Largent
Duncan	Lewis (CA)
Dunn	Lewis (KY)
Ehrlich	Linder
Emerson	LoBiondo
Ensign	Lucas
Everett	Manzullo
Ewing	McCollum
Fawell	McCrery
Foley	McKeon
Fowler	Mica
Franks (NJ)	Miller (FL)
Frelinghuysen	Moran (KS)
Galleghy	Nethercutt
Ganske	Neumann
Gibbons	Ney
Gillmor	Northup
Goode	Norwood
Goodlatte	Packard
Goodling	Parker
Goss	Paxon
Graham	Pease
Greenwood	Peterson (PA)
Gutknecht	Petri
Hansen	Pickering

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-	Regula	Thomas
McDonald	Reyes	Thompson
Miller (CA)	Rivers	Thornberry
Minge	Rodriguez	Thurman
Mink	Rogers	Tierney
Moakley	Ros-Lehtinen	Torres
Mollohan	Rothman	Towns
Moran (VA)	Roybal-Allard	Turner
Morella	Rush	Upton
Murtha	Sabo	Velazquez
Myrick	Sanchez	Vento
Nadler	Sanders	Visclosky
Neal	Sandlin	Walsh
Nussle	Sawyer	Waters
Oberstar	Saxton	Watt (NC)
Obey	Schumer	Watts (OK)
Olver	Scott	Waxman
Ortiz	Serrano	Weller
Owens	Shays	Wexler
Oxley	Sherman	Weygand
Pallone	Sisisky	White
Pappas	Skaggs	Wise
Pascrell	Skelton	Woolsey
Pastor	Slaughter	Wynn
Paul	Smith (NJ)	Yates
Pelosi	Smith, Adam	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	Cannon	Ewing
Allen	Cardin	Farr
Archer	Castle	Fattah
Armey	Chabot	Fawell
Bachus	Chambliss	Fazio
Baker	Chenoweth	Flake
Baldacci	Clayton	Foley
Ballenger	Clement	Forbes
Barcia	Clyburn	Fowler
Barr	Coble	Fox
Barrett (NE)	Collins	Frank (MA)
Barrett (WI)	Combest	Frelinghuysen
Bartlett	Condit	Frost
Barton	Conyers	Galleghy
Bass	Cook	Ganske
Bateman	Costello	Gejdenson
Bentsen	Cox	Gilchrest
Bereuter	Coyne	Gillmor
Berman	Cramer	Gilman
Berry	Crane	Goode
Bilbray	Crapo	Goodlatte
Bilirakis	Cunningham	Goodling
Bishop	Danner	Gordon
Bliley	Davis (FL)	Goss
Blunt	Davis (VA)	Graham
Boehkert	Deal	Granger
Boehner	DeLay	Green
Bonilla	Deutsch	Greenwood
Bonior	Diaz-Balart	Gutknecht
Bono	Dickey	Hall (OH)
Borski	Dicks	Hall (TX)
Boswell	Dingell	Hamilton
Boucher	Dixon	Hastert
Boyd	Dooley	Hastings (WA)
Brady	Doolittle	Hayworth
Brown (CA)	Doyle	Hefley
Brown (FL)	Dreier	Hefner
Brown (OH)	Duncan	Herger
Bunning	Dunn	Hill
Burr	Edwards	Hilleary
Burton	Ehlers	Hilliard
Buyer	Ehrlich	Hobson
Callahan	Emerson	Hoekstra
Calvert	Eshoo	Horn
Camp	Etheridge	Hostettler
Canady	Everett	Hoyer

Hulshof	Morella	Schaffer, Bob
Hunter	Murtha	Scott
Hutchinson	Myrick	Sensenbrenner
Inglis	Neal	Sessions
Istook	Nethercutt	Shadegg
Jenkins	Neumann	Shaw
John	Ney	Shays
Johnson (CT)	Northup	Shimkus
Johnson (WI)	Norwood	Shuster
Johnson, E. B.	Nussle	Sisisky
Johnson, Sam	Oberstar	Skeen
Jones	Obey	Skelton
Kanjorski	Olver	Smith (MI)
Kaptur	Ortiz	Smith (NJ)
Kasich	Oxley	Smith (OR)
Kennelly	Packard	Smith (TX)
Kildee	Pallone	Smith, Linda
Kim	Pappas	Snowbarger
Kind (WI)	Parker	Snyder
King (NY)	Pastor	Solomon
Klecza	Paxon	Spence
Klink	Pease	Spratt
Klug	Peterson (MN)	Stabenow
Knollenberg	Peterson (PA)	Stark
Kolbe	Petri	Stearns
LaHood	Pickering	Stenholm
Largent	Pickett	Strickland
Latham	Pitts	Stump
LaTourette	Pomeroy	Stupak
Lazio	Porter	Sununu
Leach	Portman	Tanner
Levin	Poshard	Tauzin
Lewis (KY)	Price (NC)	Taylor (MS)
Linder	Pryce (OH)	Taylor (NC)
Lipinski	Quinn	Thomas
Livingston	Rahall	Thompson
LoBiondo	Ramstad	Thornberry
Lofgren	Redmond	Thune
Luther	Regula	Thurman
Manton	Riggs	Tiahrt
Manzullo	Riley	Towns
Mascara	Rivers	Trafficant
McCarthy (MO)	Rodriguez	Turner
McCarthy (NY)	Rogan	Upton
McCollum	Rogers	Vento
McCrery	Rohrabacher	Visclosky
McDade	Ros-Lehtinen	Walsh
McHugh	Roukema	Wamp
McInnis	Royce	Watkins
McIntyre	Rush	Weldon (PA)
Menendez	Ryun	Weller
Metcalfe	Sabo	Wexler
Mica	Salmon	White
Miller (FL)	Sandlin	Whitfield
Minge	Sanford	Wicker
Mollohan	Sawyer	Wolf
Moran (KS)	Saxton	Wynn
Moran (VA)	Schaefer, Dan	Young (FL)

NAYS—105

Abercrombie	Hastings (FL)	Mink
Ackerman	Hinchey	Moakley
Andrews	Nadler	Holden
Baessler	Hoolley	Owens
Becerra	Jackson (IL)	Pascrell
Blagojevich	Jackson-Lee	Paul
Blumenauer	(TX)	Pelosi
Bryant	Jefferson	Pombo
Campbell	Kennedy (MA)	Radanovich
Carson	Kennedy (RI)	Rangel
Christensen	Kilpatrick	Reyes
Clay	Kingston	Roemer
Coburn	Kucinich	Rothman
Cooksey	LaFalce	Roybal-Allard
Cummings	Lampson	Sanchez
Davis (IL)	Lantos	Sanders
DeFazio	Lewis (CA)	Scarborough
DeGette	Lewis (GA)	Schumer
Delahunt	Lowey	Serrano
DeLauro	Lucas	Sherman
Dellums	Maloney (CT)	Skaggs
Doggett	Maloney (NY)	Slaughter
Engel	Markey	Smith, Adam
English	Martinez	Souder
Ensign	Matsui	Talent
Evans	McDermott	Tauscher
Filner	McGovern	Tierney
Foglietta	McHale	Velazquez
Ford	McKeon	Waters
Furse	McKinney	Watt (NC)
Gekas	McNulty	Watts (OK)
Gephardt	Meehan	Waxman
Gibbons	Meek	Weygand
Gutierrez	Millender	Woolsey
Hansen	McDonald	Young (AK)
Harman	Miller (CA)	

## 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