

the uniform at home to protect us from domestic criminals and those who wear the uniform overseas to protect us from international criminals.

Peace officers, Mr. Speaker, are the last strand of wire in the fence between the people and the lawless. Every day they put on their uniform and they put above their heart on their chest a badge, which is really a shield, a shield that's symbolic of protecting the community from the evildoers. It goes back centuries ago. And yet they wear that shield proudly to protect us from people who wish to do us harm. And when individuals make the decision to harm those that protect us, it is an American tragedy, and the whole country mourns with the families who have lost a police officer.

So I urge that we mourn the loss of these officers, that we honor their lives and their bravery, and that we pass this resolution immediately.

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

Mr. COHEN. Mr. Speaker, I join with my friend from Texas in urging that we pass this resolution and that we do mourn these brave officers who lost their lives and stand with the people of Lakewood, Washington.

But I would also ask us to think about what happened, why these people lost their lives. And we may never know, but we do know that the person who killed them should have been behind bars. He was a criminal who was released from prison in Arkansas through executive clemency. And while there are certainly people who committed victimless crimes who are unnecessarily kept for long periods of times in incarceration and should have clemency or some type of executive relief, people who commit crimes of violence, as this person did, they should not be released unless there are some extra circumstances that are beyond anybody's thought that it was appropriate.

This gentleman was not reformed. He committed other crimes. He still should have been in jail.

And you've got to think about mental health. The man was a criminal, but he was also mentally ill. He had delusions that he was some type of religious figure. And we've got to think about the mental health laws that we have up here and the opportunity to fund mental health institutions and to get mental health so that people can be treated before they commit some act out of a delusional aspect of their disease.

So there are a lot of other areas we need to look into as we mourn these officers and remember 9/11 and the fire people and the police people who were killed there. And we've got to remember the issues with guns and how this man got access to a gun to commit this crime. So there are other issues that need to be looked at.

I join all the Members of the House and ask that we pass H. Res. 939 and join in mourning the loss of these four

fine law enforcement officers, but also that we continue our research into the causes of this heinous crime.

Mr. STUPAK. Mr. Speaker, I rise to honor the fallen officers of the Lakewood, Washington, Police Department and to offer my condolences to the families and colleagues of these officers.

The tragic events of November 29, 2009, took the lives of four officers who have served the Lakewood Police Department for many years. This is a loss not only to the police department, but to the law enforcement community across the country.

It is also a solemn reminder that every day, our men and women in uniform face unpredictable threats.

We must work in Congress to ensure that our police departments are always prepared, equipped, and ready to fend off these threats.

Law enforcement officers are on the front lines of protecting our communities, and we must ensure they are protected, too.

As a former police officer and a Michigan State Trooper, and the co-chairman of the Congressional Law Enforcement Caucus, I extend my condolences to the fallen, to the families, and to the police department of Lakewood, Washington.

Our thoughts and prayers are with you.

Mr. PASCRELL. Mr. Speaker, I rise today to honor the memories of the four brave officers whose lives were needlessly cut short this past week in Washington State.

All four officers were members of the Lakewood Police and were slain while preparing for their shift by Maurice Clemons, a career criminal who had been paroled from prison earlier this decade and was later killed by a Seattle police officer after a long manhunt.

We stand with all the police officers in Washington State who despite losing four of their own served with distinction and bravery to bring this killer to "justice."

I have long maintained that our first responders are the first line in our country's national defense. They are out there on the streets every day keeping our communities and our children safe from harm.

This resolution describes violence against law enforcement officers as "particularly heinous," which I think is an understatement. This kind of violence against these brave community servants is not only heinous, it's unimaginable, horrific, and unacceptable.

The Federal Government must do more to protect our police officers from these kinds of violent and malicious criminals.

Congress must look at the ways we can strengthen the penalties for these kinds of horrific crimes committed against our heroes.

Our police officers are out there every day sticking their necks out for us, and we owe it to them to do everything in our power to protect them as well.

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

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 939.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RADIOACTIVE IMPORT DETERRENCE ACT

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 515) to prohibit the importation of certain low-level radioactive waste into the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radioactive Import Deterrence Act".

SEC. 2. PROHIBITION OF IMPORTATION.

(a) AMENDMENT.—Chapter 19 of the Atomic Energy Act of 1954 (42 U.S.C. 2015 et seq.) is amended by inserting after section 276 the following new section:

"SEC. 277. IMPORTATION OF LOW-LEVEL RADIOACTIVE WASTE.—

"a. Except as provided in subsection b. or c., the Commission shall not issue a license authorizing the importation into the United States of—

"(1) low-level radioactive waste (as defined in section 2 of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b)); or

"(2) specific radioactive waste streams exempted from regulation by the Commission under section 10 of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021j).

"b. Subsection a. shall not apply to—

"(1) low-level radioactive waste being returned to a United States Government or military facility which is authorized to possess the material; or

"(2) low-level radioactive waste resulting from the use in a foreign country of nuclear material obtained by the foreign user from an entity in the United States that is being returned to the United States for management and disposal.

"c. The President may waive the prohibition under this section and authorize the grant of a specific license to import materials prohibited under subsection a., under the rules of the Commission, only after a finding that such importation would meet an important national or international policy goal, such as the use of waste for research purposes. Such a waiver must specify the policy goal to be achieved, how it is to be achieved, and the amount of material to be imported.

"d. A license not permitted under this section that was issued before the date of enactment of this section may continue in effect according to its terms, but may not be extended or amended with respect to the amount of material permitted to be imported."

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 276 the following new item:

"Sec. 277. Importation of low-level radioactive waste."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative

days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Radioactive Import Deterrence Act is a bipartisan bill that would ban the importation of low-level radioactive waste unless the President provides a waiver.

Low-level radioactive waste is generated by medical facilities, university research labs, and utility companies. This waste is generated all over the United States, but finding permanent disposal sites has proven difficult. Currently, 36 States and the District of Columbia have only one approved site to store all the waste generated by those industries. That site is located in Utah. The site stores 99 percent of the United States' low-level radioactive waste.

However, the Nuclear Regulatory Commission is currently considering the importation of 20,000 tons of Italian low-level waste to be permanently disposed of at the Utah site. This would be the largest importation of foreign waste ever.

The United States stands alone as the only country in the world that imports other countries' radioactive waste for permanent disposal. Other countries are reading the signs that the U.S. is poised to become a nuclear dumping ground. Permit applications are also pending for the importation of Brazilian and Mexican waste.

Foreign waste threatens the capacity that we have set aside in this country for the waste generated by our domestic industries. It is critical that Congress protect that capacity by prohibiting these imports.

I support nuclear power as part of our energy mix. 104 commercial nuclear plants in the United States help to provide 20 percent of our Nation's energy needs. If we are going to support the continued growth of our domestic nuclear industry, we must ban the practice of disposing of other countries' radioactive waste. We must reserve that capacity for our domestic needs.

□ 1415

The bill is the product of a bipartisan cooperation and has received multiple hearings in the Energy and Commerce Committee. I urge my colleagues to stand firm against the importation of foreign radioactive waste and support this bipartisan bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,

Washington, DC, December 1, 2009.

Hon. HENRY WAXMAN,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building, Wash-
ington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 515, the "Radioactive Import Deterrence Act." As you know, the Committee on Ways and Means has received a sequential referral on this bill.

To expedite this legislation for floor consideration, the Committee on Ways and Means will forgo action on this bill. This is being done with the understanding that the Committee on Energy and Commerce will confirm in the legislative history of the bill that the President's discretion to waive section 277(a) of the Atomic Energy Act of 1954 applies to any important national or international policy goal, and is not limited to the use of waste for research purposes.

The Committee on Ways and Means is forgoing action on the bill with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 515, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of this bill.

Once again, thank you for your work and cooperation on this legislation.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 1, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN RANGEL: Thank you for your letter regarding H.R. 515, the "Radioactive Import Deterrence Act of 2009." The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Ways and Means in H.R. 515, and I appreciate your effort to facilitate consideration of this bill.

Your letter accurately stated that the report of the Committee on Energy and Commerce on H.R. 515 will confirm that the President's discretion to waive section 277(a) of the Atomic Energy Act of 1954 applies to any important national or international policy goal, and is not limited to the use of waste for research purposes. I also concur that by forgoing action on the bill the Committee on Ways and Means does not in any way prejudice the Committee with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 515 in the Congressional Record during floor consideration of the bill and in the Committee report on H.R. 515. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

I reserve the balance of my time.

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

The gentleman from Tennessee is a scholar and perspicuous individual, very talented, but Shakespeare said, "To err is human," and in this case, the gentleman from Tennessee has erred particularly in this bill. So I stand here not in support of his grand bill.

I think many in Congress are perhaps frustrated that we're not focusing on

domestic nuclear waste disposal issues that obviously need to be resolved if we're ever to revitalize our nuclear energy. Instead, we're talking about this bill. In fact, this bill is going to hurt businesses that are trying to create jobs and promote economic growth. It will actually discourage it.

The administration has irresponsibly turned its back on the Yucca Mountain waste repository site, leaving us with no clear plan to dispose of high-level radioactive waste and spent nuclear fuel and leaving taxpayers liable for potentially billions of dollars in damages.

Now this bill, Mr. Speaker, does not focus on high-level radioactive waste, but rather it focuses on what is known as a Class A radioactive waste. Now, my colleagues, this is the lowest of lowest levels of radioactive waste. Now, supporters of this bill will say that we lack sufficient capacity in the United States for this waste. Let's talk about what the GAO says.

They have testified the Class A waste disposal capacity is simply not a problem in the short term or the long term. GAO had some real concerns about disposal capacity for what is known as Class B and C waste, but not Class A waste.

Now, what does this legislation do to deal with spent nuclear fuel or the impending Class B and C waste disposal crisis? Nothing. Nothing is done. Instead, it would prevent U.S. companies from competing in the global marketplace by restraining trade in this very low-level waste.

Now, a lot of us will hear the word "radioactive" and this is perhaps a word that is radioactive to lawmakers, but it should not frighten us once we understand this is the same kind of waste that you find in a home smoke detector. I think everybody in this Chamber, as well as everybody in the House, probably has a smoke detector in their home. So that is the type of low-level waste we're talking about.

I want American companies and American workers to participate fully in the international nuclear renaissance. You know, it's happening in China certainly, including the handling of low-level waste. This is an anti-jobs and anti-trade bill. It would simply ban Americans from the marketplace. And so that's why, reluctantly, many on this side of the aisle oppose this legislation and voted against it when it was before the full Energy and Commerce committee.

I am also concerned that this bill may have negative unintended consequences on top of the intended ones. In addition to restricting the ability of U.S. companies to bid on secure foreign contracts, this bill may prevent U.S. companies in the future from working cooperatively with foreign companies on other nuclear projects. The bill would prohibit the importation of low-level waste into the United States unless it is being sent to a Federal Government or military facility or other limited exceptions.

So I do not believe that the importation of limited amounts of common, very low-level waste raises disposal capacity issues. The GAO didn't think so either. At the same time, I do not believe that if U.S. nuclear companies are to participate in the global nuclear services market and compete effectively with foreign-owned companies, they must simply be able to manage and dispose of the low-level waste incidental to their work and subject to NRC's already strict regulations and requirement. So think about that. We already have in place through the NRC the necessary regulations and requirements. This is going to overlap on that.

So, Mr. Speaker, I'd like to create jobs. We cannot pass new trade barriers that put our own employers and workers at a competitive disadvantage, which I think simply this bill would do.

With that, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield such time as he may consume to my friend from Utah (Mr. MATHESON), the coauthor of this bipartisan bill.

Mr. MATHESON. I thank Mr. GORDON for yielding.

Before I begin my comments, I have a copy of a resolution that was passed by the Salt Lake County Council in support of the Writ Act to include in the RECORD.

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL OPPOSING THE IMPORTATION OF FOREIGN NUCLEAR/RADIOACTIVE WASTE AND ITS DISPOSAL IN THE UNITED STATES

Whereas, the Nuclear Regulatory Commission (NRC) has been asked for a license to import radioactive waste from dismantled nuclear reactors in Italy;

Whereas, Italy, which currently stores its nuclear/radioactive waste at power plants and other sites throughout Italy, has no permanent repository for this waste, has four closed nuclear power stations and other nuclear facilities with nuclear/radioactive waste, and for the past number of years has been unable to construct a waste disposal facility due to strong citizen opposition;

Whereas, due to having closed facilities and citizen opposition to construction of any new facilities, Italy reportedly has no nuclear waste disposal plan and is seeking assistance from other countries to manage different types of nuclear waste;

Whereas, if allowed, foreign radioactive/nuclear waste would be transported and

Whereas, if granted by the NRC, the importation license would allow almost ten times more waste to be imported for disposal than the total amount authorized by prior NRC importation licenses;

Whereas, Utah Governor Jon Huntsman, the Utah Radiation Control Board, and a regional regulatory board, the Northwest Interstate Compact, have opposed this waste being brought into Utah;

Whereas, a declaratory judgment action has been filed and is currently being actively litigated to determine whether the Northwest Interstate Compact has jurisdiction over the importation of the waste and the legal authority to block the transportation and storage of this foreign waste in Utah;

Whereas, the NRC has delayed making a decision on the proposal until the litigation against the Northwest Interstate Compact has been resolved;

Whereas, nearly four thousand people submitted comments to the NRC, the vast ma-

jority overwhelmingly opposing the proposed importation license;

Whereas, granting approval to this or similar proposals could open the door to the United States becoming the world's nuclear/radioactive waste dump and create a disincentive for foreign nations to dispose of their own nuclear/radioactive waste;

Whereas, other contracts have been solicited for additional foreign nuclear/radioactive waste disposal from entities in the United Kingdom, Mexico, Brazil and other countries which would directly impact Salt Lake County;

Whereas, nuclear/radioactive materials will be shipped over oceans, into ports, and, potentially, through Utah cities and counties, including Salt Lake County, with the exact types and classifications of these materials not determined until after they have been imported;

Whereas, dumping large quantities of foreign nuclear/radioactive waste in the U.S. will only constrain further our domestic disposal capacity, result in the need for expanded or new nuclear/radioactive waste dump sites and increase the risk to public health, safety and the environment;

Whereas, neither the United States Congress nor the NRC ever intended that domestic nuclear/radioactive waste sites be used for the commercial importation of foreign nuclear/radioactive waste;

Whereas, importing foreign waste only serves private companies and their shareholders; and

Whereas, many of the probable transportation corridors run through Salt Lake County, risking public health and safety with every shipment, not to mention the financial responsibility imposed on the County and its residents in preparing for and responding to incidents.

Now, Therefore, the County Council hereby resolves that it supports the prohibition on the transportation of foreign generated nuclear/radioactive waste through Salt Lake County;

Now, Therefore, the County Council further resolves that it urges the NRC to not approve the request to import and dispose of foreign low-level nuclear/radioactive waste; and

Now Therefore, the County Council further resolves that it urges Utah's legislative delegation to support the Radioactive Deterrence Act (RID), HR 515 and S. 232, which would prohibit the importation of foreign nuclear/radioactive waste, thereby alleviating the health and safety risks of transporting such materials through Salt Lake County.

Mr. Speaker, the Energy and Commerce Committee has held two hearings on this issue: one in the previous Congress and one in this Congress. And during those hearings, we really flushed out this issue in a way that I think makes some pretty clear points that justify moving this bill.

First of all, what was established is that there is confusion about what U.S. policy is relative to importation of radioactive waste from foreign countries. There really is a gap in policy here because as our low-level radioactive waste has developed over the last two or three decades, foreign waste wasn't even really considered. It just wasn't conceived that we would even take waste from other countries.

As Mr. GORDON indicated, no other country in the world takes another country's radioactive waste, and I think that appears to have been the as-

sumption in terms of when policies have been determined in this country.

But what has happened in the last few years is that there are efforts and contracts being signed to move waste from Italy; there is discussion about Brazil, Mexico, Great Britain, to move low radioactive waste to this country. The Nuclear Regulatory Commission says we have no authority to determine whether or not waste from foreign countries should be allowed into this country.

So then we turn to the next regulatory body that we have in this country, and that is the system of State-run compacts that was established in Federal law primarily in 1980 and 1985. And the nuclear waste compacts are the ones who also have this role in deciding how to handle low-level radioactive waste.

The State of Utah happens to be a member of the Northwest Compact. When this proposal to move waste from Italy was put before the Compact, the Compact, with the State of Utah opposing the importation of this waste, the Compact agreed with the State of Utah and moved to disallow this shipment. At this point, the matter was taken to the courts. The Federal district courts have ruled the Compact courts have no authority to stop this either. That case is currently on appeal.

But what this points out—and the reason I walk through these steps—is to illustrate that there's a lot of confusion out there and everyone is pointing in a different direction of who's in charge of this issue. It seems to me this issue ought to be addressed by Congress. It's up from a public policy perspective to discuss whether or not as a policy of this country we should accept another country's radioactive waste. I happen to think we shouldn't. No other country in the world does. I don't think we should either. There has been mention that this is a restraint of trade issue in preventing U.S. companies from competing. I don't know of any other country that takes imported waste.

For trade to exist, you have goods and services going in both directions, not just in one. I don't understand how this in any way could be described as a restraint of trade.

Secondly, the capacity of this country for handling low-level waste is an issue because from what I have heard, not many States want to have a nuclear waste site for this low-level waste even though you have heard descriptions that this low-level waste may be no more dangerous than what's in a smoke detector. When you talk about tons and tons of this low-level radioactive waste, not a lot of States are lining up to take it.

And as we move forward as a country in a climate-constrained world where I believe—and I support development of nuclear power plants which, in addition to high-level fuel rods, do generate low-level waste—we need to have a location in this country to dispose of that low-level waste.

When the GAO did analyze the site in Utah to discuss the capacity issue, as was pointed out during the Congressional hearings before the Energy and Commerce Committee, it was pointed out that the GAO only looked at 1 year's worth of data for how much waste was put in, and they just took that volume from that year and projected it out into the future, which I'm a little disappointed that GAO would make such an elementary mistake in terms of how you project a trend, because the 1 year they used, in terms of the volume that was deposited that year, was a particularly low year in terms of volumes of waste.

And in fact, even with that assumption, they projected that it would go out maybe somewhere between 20 and 30 years. That is not necessarily a long amount of time when you talk about storage of low-level waste in this country. That is not a long amount of time when you consider the issue that most States don't want one of these sites located in their State. And I would submit that if you take the longer view of the life cycle of a nuclear power plant, that 20 to 30 years is not an excessively long amount of time, that's the storage capacity we've got at this site.

By the way, the GAO report also did not assume any foreign radioactive waste would be going in the site when it made its analysis of what the capacity was.

So I think this is a good bill. I think this addresses a gap in policy today. I think it will create greater certainty for the future of the nuclear industry in this country. I think it aligns the United States with the rest of the world in how we deal with importation of radioactive waste.

I want to thank Mr. GORDON for his leadership on this issue. I encourage my colleagues to support the bill.

Mr. STEARNS. Mr. Speaker, I ask how much time I have left.

The SPEAKER pro tempore. Sixteen minutes.

Mr. STEARNS. Mr. Speaker, I yield myself as much time as I may consume.

I think if you try to look at this issue in a broad sense, around the world a lot of countries are actually building nuclear power plants and there's also countries that are decommissioning them. There are currently 436 nuclear reactors worldwide with 53 under construction. China currently has 16 reactors under construction. So this renaissance is occurring. It's global.

So I think if you're going to have companies that are involved with the construction and decommission of nuclear power plants and they want to say, Okay, I want to bid, these countries will accept the bid from the United States; but if the United States is limiting them in how they're getting rid of low level radioactive waste, it's going to make it more difficult for that company to compete.

Again, this is not a serious problem. As far as I know, there has not been

any indirect harm to individuals because of this. I obviously view this bill—the authors have crafted a safety measure, and I respect that. But low level radioactive waste, as I mentioned, is in smoke detectors as well as exit signs.

So the implementation of this bill is going to be more regulatory, and the Nuclear Regulatory Commission is already doing this. So why would we need this bill?

And I think, as pointed out earlier in my statement, we have so many other Class B and Class C waste capacity problems that we should really be concentrating on and not this form of class, which is a very low radioactive class.

So I think, Mr. Speaker, that this is not a serious problem. I respect the authors and what they are trying to do; but, I think there's not a need for this kind of regulatory overlay with the Nuclear Regulatory Commission, which has already done a wonderful job for decades.

So with that, Mr. Speaker, I would urge my colleagues not to support and vote "no" on the bill, and I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I have to say that my friend from Florida is making a valiant effort. I just want to talk to you about a couple of things.

First of all, Shakespeare also says "don't rope a dope me." This is not B and C material. We're talking about A material.

We're both pro-nuclear. We would like to see additional nuclear power help us deal with our climate change, but he says this is not a serious problem. Well, it's a very serious problem if you are a lab, if you are a hospital, if you are a utility and you have no place to take your low-level radioactive waste.

□ 1430

For 37 States, there is no place else to go but Utah. And when that runs out, it is out. And so that is a very serious problem.

He says it is going to hurt business. It is not going to hurt business. There is a finite amount of space there. Either you put in American waste or foreign waste; it is the same amount. So there is no business going to be hurt there.

And finally, "don't worry about it, it is a smoke detector." Well, if it is only smoke detectors, why are we putting up barbed wire fence, why do we have guards, and why does it have to stay there permanently? It is much more than that. There are serious problems here. This is a matter of American competitiveness. For that reason, I think that this bipartisan bill does need to pass.

I reserve the balance of my time.

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

think the gentleman from Tennessee has additional speakers.

Mr. GORDON of Tennessee. Mr. Speaker, I regret that my friend from Florida has no one here to defend him today, and I yield such time as he may consume to Mr. CHAFFETZ, another person who this will directly impact in Utah.

Mr. CHAFFETZ. Mr. Speaker, I appreciate the work Mr. GORDON has done on this bill with broad, bipartisan support, and I appreciate the leadership of JIM MATHESON, who has led out on this issue for years.

In short, for those of you who are supportive of the nuclear industry, and like me want to see the expansion of the nuclear industry, we need to make sure that we reserve the capacity so we can deal with the waste. We won't be able to have expansion unless we have the capacity to actually store the waste.

And for those of you who don't want to see any sort of expansion of the nuclear industry, then why in the world would you ever want to take nuclear waste from foreign countries?

I am a very strong supporter of nuclear power. Currently, nuclear reactors in America provide the United States with roughly 20 percent of its electricity, yet we have built no new reactors since 1978. That is why I am a cosponsor of the American Energy Act, which establishes the national goal of bringing 100 new nuclear reactors online over the next 20 years. Achieving this goal is important for our economy, our environment, and for energy independence. This is why facilities like the one located in Clive, one of the best in the Nation and really the best in the world, need to dedicate their capacities to storage of American products. Expansion of our nuclear capacity will be nearly impossible if we allow our storage facilities to become saturated with foreign nuclear waste.

I support this bill and oppose the importation of waste into the country based on the basic laws of supply and demand. If the waste generated by Italian companies is so valuable, then why do businesses in Europe not step up to the plate? There is a reason why: With \$1 billion on the line, there is not one place in Europe that is willing to step up and take it. It is dangerous. It is very dangerous. The answer, I would argue, is that other European countries do not want to take the risk of importing waste into their country. It is not a risk that I want to take for the State of Utah or for my country. And I believe that by passing this bill, I am confident that market forces will find a place for the waste somewhere other than the United States, and we can continue to propel the nuclear industry forward in the United States of America.

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

I noticed that the advocates for the opponent all have these people from

Utah. I just wonder if that is a coincidence. I see the gentleman from Tennessee has no one except people from Utah. But I am going to reveal a secret to him that perhaps he didn't know and the people from Utah didn't know that fortunately on this side we had the clairvoyance to find out. In checking with the Utah facility, we found that they do, indeed, have the capacity to take this low-level waste, not just for another year, but for decades and decades.

So I know the people on that side say this is not true, but the information we are getting back, which is probably news to the gentleman from Tennessee, is that the facility is capable of taking this type of waste. So I would just indicate that our main concern is that those companies who are trying to do business in this renaissance for nuclear construction are going to be hampered because of this bill.

With that, Mr. Speaker, I yield to the gentleman from Tennessee (Mr. ROE) such time as he may consume.

Mr. ROE of Tennessee. Mr. Speaker, H.R. 515 is a worthy attempt to deal with an issue that deserves a long-term solution: our ability to store processed nuclear waste. I think all Members want to ensure we have adequate storage space, and I commend the gentleman from Tennessee for trying to deal with this complicated issue. I fundamentally support the gentleman's goal, which is to stop the long-term storage of foreign waste in our country. The problem, however, is the bill will stop any operation that safely imports, processes, or exports low-level nuclear material in this country.

A company in my district processes the waste and returns it to its country of origin, which does not impact the long-term domestic storage. This legislation would prohibit them from doing this and impact jobs at a time when jobs are scarce.

I certainly would like to work with my esteemed colleague from Tennessee to make changes in this legislation that would achieve this goal of halting the permanent storage of foreign waste while allowing companies that safely process and export this material to continue to do so.

Mr. STEARNS. Mr. Speaker, I yield myself 30 seconds to add that the gentleman had a very balanced approach to it in his statement. Also, he is from the great State of Tennessee so we have a balanced opinion from one side to the other from the great State of Tennessee.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my time is coming to an end, but I could share some of my time with my friend from Florida if he would like to volunteer the State of Florida as a repository for some of this low-level radioactive waste.

Mr. STEARNS. Would the gentleman yield?

Mr. GORDON of Tennessee. I yield to the gentleman from Florida.

Mr. STEARNS. I would consider that proposal. Will you withdraw this bill?

Mr. GORDON of Tennessee. Once you get it sited, then this bill may not be necessary.

Mr. STEARNS. During the process we are waiting to get sited in Florida, will you just put this bill onto a back burner?

Mr. GORDON of Tennessee. I don't think that would be the responsible thing to do for our country.

And for that reason, I yield to the gentleman from Utah (Mr. MATHESON) to clarify one of the earlier statements.

Mr. MATHESON. Mr. Speaker, I just wanted to clarify one comment made by the gentleman from Florida about capacity in Utah.

It is interesting the company is telling people that they have so much capacity. They made a commitment to our Governor that they were not going to ask for any increase in the license capacity compared to what they have. It so happens when they came to testify before the Energy and Commerce Committee, in their written testimony they included tables that assumed great expansion of this site. But the State of Utah has not licensed that expansion. They made a commitment to our Governor that they weren't going to apply for an increase in size from the license capacity that exists today.

So I am not sure if they are talking out of both sides of their mouth now, if they are telling the other side that they have plenty of capacity, but I would just put it on the record that that company is on record that they said they would not make a license request to increase the capacity at the site.

Mr. GORDON of Tennessee. If the gentleman would stay there, reclaiming my time, the Northwest Compact, did they volunteer to take this radioactive waste?

Mr. MATHESON. The imported waste?

Mr. GORDON of Tennessee. Yes.

Mr. MATHESON. The Northwest Compact, as I made some reference to in my earlier statement, voted against taking this waste.

Mr. GORDON of Tennessee. And what was the Governor's position?

Mr. MATHESON. The Governor of Utah was opposed to it. The State of Utah was opposed to it.

Mr. GORDON of Tennessee. What action did the company then take?

Mr. MATHESON. The company then took the State and the Northwest Compact to court.

Mr. GORDON of Tennessee. They sued them? You mean they sued them to make them take this?

Mr. MATHESON. They took this action to Federal court because they disagreed with the decision of the State of Utah and the Northwest Compact.

Mr. GORDON of Tennessee. I'm shocked. I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself 1 minute to attempt to reply to my colleagues.

As I understand it, this appeal process went through, and it is still in court, and so the final judgment has not been made. I think the gentleman from Utah sort of illustrates what I think is true: the company says they have the capacity to handle this.

But the overall position, I think, of many of us is that this legislation is going to hurt U.S. companies who are trying to compete with other global nuclear services in the marketplace. And as I pointed out, this is a global and highly technical and competitive industry, and it is growing, and we should not handicap companies who wish to compete in it.

Class A radioactive waste is very minimal. We have been able to take care of it. For decades and decades, the Nuclear Regulatory Commission has been able to take care of it. They have testified that it is not a problem. It is not a problem for the long term or short term.

I have no further speakers, and I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself the balance of my time.

I say to my friend from Florida, I am not sure how much water this cup will hold, but when it is full, it is full. Now I am not sure how much, and we can talk about how much radioactive material that the Utah site can hold, but when it is full, it is full, and there will be no more space left. We need to recognize that.

In conclusion, let me just say this is very simple, very simple. There is only one Nation in the world that allows other countries to ship their radioactive waste to that country for permanent disposal, and that is the United States. Quite frankly, it was a loophole because it was never expected that that would happen. So what we are doing with this legislation is simply bringing it into compliance with the rest of the world, saying that our country will not accept radioactive waste, and there are 20,000 tons ready to come in, as well as other countries asking to bring that waste in.

We are simply saying we are going to abide by what all the others countries do, and they say if you have radioactive waste, if you are going to be producing radioactive waste, you need to take care of it, just like every other country. I think that is fair. I think it is reasonable.

Mr. STEARNS. Would the gentleman yield?

Mr. GORDON of Tennessee. I yield to my friend from Florida.

Mr. STEARNS. I thank the gentleman.

To you folks, when you hold up that glass, there is another glass in Texas that is willing to take this low-level radioactive waste. You should know that. We are not just talking about the plant in Utah.

Mr. GORDON of Tennessee. Reclaiming my time, and I will yield right back to you, has that site been certified?

Mr. STEARNS. I think it is in the process of being certified. And there are other States that are willing to do the same thing.

If you don't mind, your colleague from Tennessee has a question for you.

Mr. GORDON of Tennessee. I yield to the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Thank you for yielding.

Is it a problem to have the waste brought into this country and then shipped out back to the country of origin or wherever it is disposed of? We have a company in our district that does that.

Mr. GORDON of Tennessee. Reclaiming my time, I understand that, and I am sympathetic to that. The difficulty is where that waste has been separated. I have talked to them personally, and they have said that they don't ship it all back, that they keep some of it here. And there are difficulties. Once you combine an A level with a B or C level, there are additional problems.

Now I am sympathetic to your concerns. We want to continue with that dialogue. I hope that can be rectified. But so far, we do not have that. And that is not before us today. What we have before us today is a very simple proposition: Is the United States going to be the only country in the world that is going to use our limited storage space to permanently dispose of tons and tons of radioactive waste from other countries? That is the question before us today, and we have a bipartisan bill that tries to answer that.

Mr. STEARNS. I thank my colleague for allowing me the time to speak.

Mr. GORDON of Tennessee. I understand that Mr. TERRY, a member of our committee, is on his way. He is going to have to get here pretty soon. As a cosponsor of this bipartisan bill, I think he would want me to say on his behalf that it is not in the interest of Nebraska, his home State, to have no other place to send their radioactive waste, whether it is from a hospital, from a lab, or anywhere else, but to Utah. And I would say that he would be very concerned with what Nebraska is going to do with that waste if there is no other place to send it. I am sure that he could say it much more eloquently than me.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise in strong support of H.R. 515, the Radioactive Import Deterrence Act, a bipartisan bill introduced by Congressmen GORDON, MATHESON and TERRY. This important legislation will ban the importation of low-level radioactive waste into the United States. This is a bipartisan bill, cosponsored by 80 House Members, including 20 Democratic and 4 Republican members of the full Energy and Commerce Committee.

H.R. 515 was drafted in response to an attempt to bring 20,000 tons of Italian low-level nuclear waste into the United States to be processed in Tennessee and disposed of in

Utah. Italy wants to ship their waste to the United States because they have no disposal capabilities of their own. And Italy is by no means the only country in this position.

In fact, the United States is the only nuclear waste-producing country in the world which allows for the importation and disposal of foreign nuclear waste. No other country does, and for good reason! Why should the United States take Italian nuclear waste if they won't take ours? I think the answer is simple: this House will not allow the United States to be the world's nuclear dumping ground.

H.R. 515 will preserve U.S. low-level nuclear waste disposal sites for U.S. low-level nuclear waste. Today, we have a few sites in the country which dispose of our low-level waste. For the moment, this is adequate. However, it is extremely difficult to establish new disposal sites. It is only practical that we carefully manage our existing domestic low-level nuclear waste disposal capacity to ensure that we do not face a crisis in the future. This will be even more critical if new nuclear reactors are built in this country.

Not only would H.R. 515 preserve existing disposal sites for our own waste, but it would maintain the integrity of the Low Level Waste Compact System, and protect the States from being forced to accept foreign nuclear waste.

When Congress established the Low Level Waste Compact System, we did not intend for the compacts to handle foreign waste. We empowered the States to establish sites for common use within the various regions, and specifically allowed them to exclude waste from outside those regions. This bill will responsibly fix a loophole which was never intended to exist.

If we fail to protect the Low Level Waste Compact System, what were supposed to be domestic disposal sites could be turned into global nuclear waste dumps. If that occurs, we could end up in a position where many States are unable—or unwilling—to participate in these compacts at all, leaving domestic companies with nowhere to go to dispose of their radioactive waste. That would not be a good development for the nuclear industry, or for the Nation.

This bill moved through the Energy and Commerce Committee under regular order, and received bipartisan support. It was reported favorably by the Subcommittee on Energy and the Environment to the full Committee by a voice vote, and the Energy and Commerce Committee sent the bill to this Floor by a strong vote of 34–12.

Mr. Speaker, I urge all of my colleagues to support this important legislation today.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 515, the Radioactive Import Deterrence Act. This legislation will preserve our ability to regulate the importation of low-level radioactive waste produced in U.S. facilities such as clothing and items that are used in hospitals, research facilities, and nuclear power plants.

These low-level waste products are generated throughout the country, including Nebraska, which has two nuclear power plants and several medical facilities that generate these low-level waste materials that require processing and storage.

This legislation would bar the NRC from issuing licenses authorizing the importation of foreign low-level radioactive waste, unless waived by the President to meet national or

international policy goals. It also exempts waste generated by the U.S. government or the military.

The United States is the only nation that allows imports of low-level radioactive waste from other countries. If we do not impose the ban on importation, the United States could easily become the preferred dumping ground for low-level radioactive waste from around the globe. This could be a problem since 36 states that do not have access to a waste compact—like Nebraska—have access to only one disposal site located in the State of Utah. Also, 94 out of 104 commercial nuclear plants in the United States use the same commercial facility as those 36 states to dispose of their low-level waste.

Mr. Speaker, we should not become the low-level radioactive waste disposal dump for the entire world. Other countries that are now using or developing nuclear power and have medical facilities generating this waste should build and operate their own storage facilities and not put American communities at risk for taking care of this radioactive waste.

I urge my colleagues to vote for H.R. 515.

Mr. GORDON of Tennessee. At this time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 515, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1615

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 4 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 515, by the yeas and nays;

H. Con. Res. 197, by the yeas and nays;