

chair; and after some time spent therein,

¶60.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ROSTENKOWSKI:

Strike section 1401 beginning with line 3 on page 462 and ending with the material following line 14 on page 472 (and amend the table of contents accordingly).

It was decided in the affirmative { Yeas 263 Nays 135

¶60.6 [Roll No. 140] AYES—263

- Allard Geren Molinari
Allen Gibbons Montgomery
Anderson Gilchrist Moorhead
Andrews (NJ) Gillmor Moran
Andrews (TX) Gingrich Morrison
Annunzio Glickman Murtha
Applegate Gonzalez Myers
Archer Goodling Nagle
Armev Goss Natcher
Baker Gradison Neal (NC)
Ballenger Grandy Nichols
Barnard Gunderson Nussle
Barrett Hall (TX) Ortiz
Barton Hammerschmidt Orton
Bateman Hancock Parker
Bereuter Hansen Patterson
Bevill Hastert Paxon
Bilbray Hatcher Payne (VA)
Bilirakis Hayes (LA) Pease
Blackwell Hefley Perkins
Bliley Hefner Peterson (FL)
Boehner Henry Peterson (MN)
Borski Hergert Petri
Brewster Hoagland Pickett
Brooks Hobson Pickle
Broomfield Hopkins Porter
Bryant Horton Poshard
Bunning Houghton Pursell
Bustamante Hoyer Quillen
Byron Hubbard Rahall
Callahan Huckaby Ramstad
Camp Hunter Rangel
Campbell (CO) Hutto Ravenel
Cardin Hyde Ray
Chandler Inhofe Regula
Chapman Ireland Rhodes
Clement James Richardson
Clinger Jefferson Ridge
Coble Jenkins Riggs
Coleman (TX) Johnson (CT) Rinaldo
Combest Johnson (TX) Ritter
Condit Jones (NC) Roberts
Coughlin Kasich Roemer
Cox (CA) Kleczka Rogers
Coyne Klug Rohrabacher
Cramer Kolbe Ros-Lehtinen
Cunningham Koltter Ros-Lehtinski
Darden Kopetski Roth
Davis Kostmayer Rowland
de la Garza Kyl Sangmeister
DeFazio Lancaster Santorum
Derrick LaRocco Sarpalis
Dickinson Laughlin Sawyer
Dicks Leach Saxton
Dooley Lehman (CA) Schaefer
Doolittle Lent Schiff
Dorgan (ND) Levin (MI) Schroeder
Dornan (CA) Lewis (CA) Sensenbrenner
Dreier Lightfoot Shaw
Duncan Lipinski Shuster
Edwards (OK) Livingston Sisisky
Edwards (TX) Lloyd Skaggs
Emerson Long Skeen
English Lowery (CA) Skelton
Erdreich Luken Smith (IA)
Espy Machtley Smith (NJ)
Ewing Marlenee Smith (OR)
Fawell McCandless Smith (TX)
Fazio McCrery Snowe
Feighan McCurdy Solomon
Fields McDermott Spence
Foglietta McEwen Spratt
Ford (TN) McMillan (NC) Staggers
Franks (CT) McNulty Stallings
Frost Meyers Stearns
Gallegly Michel Stenholm
Gallo Miller (CA) Stump
Gaydos Miller (OH) Sundquist
Gekas Miller (WA) Tallon

- Tanner Valentine Williams
Vander Jagt Wilson
Taylor (NC) Visclosky Wise
Thomas (CA) Volkmer Wolf
Thomas (GA) Vucanovich Wylie
Thomas (WY) Walker Young (AK)
Thornton Walsh Zeliff
Traficant Weber Zimmer
Upton Weldon

NOES—135

- Abercrombie Hall (OH) Pallone
Ackerman Hamilton Panetta
Andrews (ME) Harris Pastor
Aspin Hayes (IL) Payne (NJ)
Atkins Hertel Pelosi
AuCoin Hochbrueckner Penny
Bacchus Horn Price
Beilenson Hughes Reed
Bennett Jacobs Roe
Berman Johnson (SD) Rose
Boehlert Johnston Roukema
Bonior Jones (GA) Roybal
Boucher Jontz Sabo
Browder Kanjorski Sanders
Brown Kennedy Savage
Carper Kennelly Schumer
Clay Kildee Serrano
Coleman (MO) LaFalce Sharp
Collins (MI) Lantos Shays
Conyers Lehman (FL) Sikorski
Cooper Lewis (GA) Slattery
Costello Lowey (NY) Slaughte
Cox (IL) Markey Smith (FL)
DeLauro Martinez Solarz
Dellums Mavroules Stark
Dingell Mazzoli Stokes
Dixon McCloskey Studds
Downey McHugh Swett
Durbin McMillen (MD) Swift
Dwyer Mfume Synar
Dymally Mineta Taylor (MS)
Early Mink Torres
Eckart Moakley Traxler
Edwards (CA) Moody Unsoeld
Engel Morella Vento
Evans Mrazek Washington
Fish Murphy Waters
Flake Neal (MA) Waxman
Ford (MI) Nowak Weiss
Frank (MA) Oberstar Wheat
Gejdenson Obey Wolpe
Gephardt Olin Wyden
Gilman Olver Yates
Gordon Owens (NY) Yatron
Green Owens (UT) Young (FL)

NOT VOTING—36

- Alexander Donnelly McDade
Anthony Fascell McGrath
Bentley Guarini Mollohan
Boxer Holloway Oakar
Bruce Kaptur Oxley
Burton Lagomarsino Packard
Campbell (CA) Levine (CA) Russo
Carr Lewis (FL) Scheuer
Collins (IL) Manton Schulze
Crane Martin Torricelli
Dannemeyer Matsui Towns
DeLay McCollum Whitten

So the amendment was agreed to. After some further time,

¶60.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GEJDENSON:

TITLE XXXI—CLASS C AND LOW-LEVEL RADIOACTIVE WASTE

SEC. 3101. REMOVAL OF CLASS C AND HIGHER RADIOACTIVE WASTE FROM LOW-LEVEL PROGRAM.

(a) IN GENERAL.—Section 3 of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021c) is amended—

(1) in subsection (a)(1)(A), by striking "class A, B, and C" and inserting "class A or B";

(2) in subsection (a)(2)(A), by inserting "class A or B" after "is not"; and

(3) in subsection (b)(1)(D), by striking "class C" and inserting "class B".

(b) REGULATIONS.—The Nuclear Regulatory Commission shall, not later than 9 months

after the date of the enactment of this Act, issue regulations to carry out the requirements of the amendments made by subsection (a).

SEC. 3102. REGULATIONS ON SITING OF LOW-LEVEL RADIOACTIVE WASTE FACILITIES.

(a) ISSUANCE.—The Nuclear Regulatory Commission shall issue regulations by not later than 9 months after the date of the enactment of this Act governing the siting of low-level radioactive waste disposal facilities.

(b) CONTENT.—Such regulations shall include—

(1) requirements that any candidate site be located—

(A) in an area of low population density where the potential for future population growth is estimated to be limited; and

(B) at least 5 kilometers from—

(i) the residential property limits of the nearest urban community in existence at the time of site selection; and

(ii) schools and other facilities that primarily serve children; and

(2) such other requirements as the Nuclear Regulatory Commission determines to be appropriate.

SEC. 3103. AVAILABILITY OF REPOSITORY FOR DISPOSAL OF CLASS C AND HIGHER RADIOACTIVE WASTE.

Section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) is amended—

(1) by striking "and" at the end of subparagraph (A) and by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) other radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class B radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983; and".

It was decided in the affirmative { Yeas 117 Nays 293 Answered present 1

¶60.8 [Roll No. 141] AYES—117

- Abercrombie Gejdenson Ortiz
Ackerman Gekas Owens (NY)
Andrews (ME) Gilman Pallone
Andrews (NJ) Hall (OH) Panetta
Applegate Hertel Payne (NJ)
Aspin Hochbrueckner Pelosi
Atkins Houghton Pursell
AuCoin Hughes Rahall
Beilenson Jacobs Rangel
Berman Jefferson Reed
Blackwell Johnson (CT) Richardson
Boehlert Johnson (SD) Rose
Bonior Jontz Roybal
Borski Kaptur Sanders
Bryant Kennedy Savage
Camp Kennelly Schroeder
Cardin Kildee Schumer
Clay Kostmayer Serrano
Coleman (TX) Lewis (GA) Shays
Cox (IL) Lowey (NY) Sikorski
de la Garza Luken Slaughte
DeLauro Markey Snowe
Dellums Mazzoli Solarz
Dixon McCloskey Stark
Dorgan (ND) McCurdy Stokes
Downey McDermott Studds
Durbin McHugh Torres
Early McNulty Unsoeld
Edwards (CA) Mfume Upton
Engel Miller (CA) Walsh
Evans Mineta Washington
Fawell Moakley Waters
Feighan Molinari Waxman
Fish Mrazek Weber
Flake Natcher Weiss
Foglietta Neal (MA) Wheat
Ford (TN) Neal (NC) Wolpe
Frank (MA) Nowak Wyden
Franks (CT) Olver Yates

NOES—293

- Allard
- Allen
- Anderson
- Andrews (TX)
- Annunzio
- Archer
- Armye
- Bacchus
- Baker
- Ballengier
- Barnard
- Barrett
- Barton
- Bateman
- Bennett
- Bereuter
- Bevill
- Bilbray
- Bilirakis
- Biley
- Boehner
- Boucher
- Brewster
- Brooks
- Broomfield
- Browder
- Brown
- Bunning
- Burton
- Bustamante
- Byron
- Callahan
- Campbell (CO)
- Carper
- Carr
- Chandler
- Chapman
- Clement
- Clinger
- Coble
- Coleman (MO)
- Collins (MI)
- Combest
- Condit
- Conyers
- Cooper
- Costello
- Coughlin
- Cox (CA)
- Coyne
- Cramer
- Crane
- Cunningham
- Darden
- Davis
- DeFazio
- DeLay
- Derrick
- Dickinson
- Dicks
- Dingell
- Dooley
- Doolittle
- Dornan (CA)
- Dreier
- Duncan
- Dwyer
- Eckart
- Edwards (OK)
- Edwards (TX)
- Emerson
- English
- Erdreich
- Espy
- Ewing
- Fascell
- Fazio
- Fields
- Ford (MI)
- Frost
- Gallegly
- Gallo
- Gaydos
- Gephardt
- Geren
- Gibbons
- Gilchrest
- Gillmor
- Gingrich
- Glickman
- Gonzalez
- Goodling
- Gordon
- Goss
- Gradison
- Grandy
- Green
- Gunderson
- Hall (TX)
- Hamilton
- Hammerschmidt
- Hancock
- Hansen
- Harris
- Hastert
- Hatcher
- Hayes (IL)
- Hayes (LA)
- Hefley
- Hefner
- Henry
- Herger
- Hoagland
- Hobson
- Holloway
- Hopkins
- Horn
- Horton
- Hoyer
- Hubbard
- Huckaby
- Hunter
- Hutto
- Hyde
- Inhofe
- James
- Jenkins
- Johnson (TX)
- Johnston
- Jones (GA)
- Jones (NC)
- Kanjorski
- Kasich
- Kleczka
- Klug
- Kolbe
- Kolter
- Kopetski
- Kyl
- LaFalce
- Lancaster
- Lantos
- LaRocco
- Laughlin
- Leach
- Lehman (CA)
- Lehman (FL)
- Lent
- Levin (MI)
- Lewis (CA)
- Lewis (FL)
- Lightfoot
- Lipinski
- Livingston
- Lloyd
- Long
- Lowery (CA)
- Machtley
- Manton
- Marlenee
- Martin
- McCandless
- McCollum
- McCrery
- McEwen
- McGrath
- McMillan (NC)
- McMillen (MD)
- Meyers
- Miller (OH)
- Miller (WA)
- Mink
- Mollohan
- Montgomery
- Moody
- Moorhead
- Moran
- Morella
- Morrison
- Murphy
- Murtha
- Myers
- Nagle
- Nichols
- Nussle
- Oberstar
- Obey
- Olin
- Orton
- Owens (UT)
- Oxley
- Parker
- Pastor
- Patterson
- Paxon
- Payne (VA)
- Pease
- Penny
- Perkins
- Peterson (FL)
- Peterson (MN)
- Petri
- Pickett
- Pickle
- Porter
- Poshard
- Price
- Quillen
- Ramstad
- Ravenel
- Ray
- Regula
- Rhodes
- Ridge
- Riggs
- Rinaldo
- Ritter
- Roberts
- Roe
- Roemer
- Rogers
- Rohrabacher
- Ros-Lehtinen
- Rostenkowski
- Roth
- Roukema
- Rowland
- Russo
- Sabo
- Sangmeister
- Santorum
- Sarpalius
- Sawyer
- Saxton
- Schaefer
- Scheuer
- Schiff
- Schulze
- Sensenbrenner
- Shaw
- Shuster
- Sisisky
- Skaggs
- Skeen
- Skelton
- Slattery
- Smith (FL)
- Smith (IA)
- Smith (NJ)
- Smith (OR)
- Smith (TX)
- Solomon
- Spence
- Spratt
- Staggers
- Stallings
- Stearns
- Stenholm
- Stump
- Sundquist
- Sweet
- Swift
- Synar
- Tallon
- Tanner
- Tauzin
- Taylor (MS)
- Taylor (NC)
- Thomas (CA)
- Thomas (GA)
- Thomas (WY)
- Thornton
- Trafficant
- Traxler
- Valentine
- Vander Jagt
- Vento
- Visclosky
- Volkmer
- Vucanovich
- Walker
- Weldon
- Whitten
- Williams
- Wilson
- Wise
- Wolf
- Wylie
- Yatron
- Young (AK)
- Young (FL)
- Zeliff
- Zimmer

ANSWERED "PRESENT"—1

Sharp
NOT VOTING—23

- Alexander
- Anthony
- Bentley
- Boxer
- Bruce
- Campbell (CA)
- Collins (IL)
- Dannemeyer
- Donnelly
- Dymally
- Guarini
- Ireland
- Lagomarsino
- Levine (CA)
- Martinez
- Matsui
- Mavroules
- McDade
- Michel
- Oakar
- Packard
- Torricelli
- Towns

So the amendment was not agreed to.
After some further time,

¶60.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DINGELL to the amendment submitted by Mr. MILLER of California:

Amendment submitted by Mr. DINGELL:

Strike sections 3101 through 3104 and insert in lieu thereof the following, and make the necessary conforming changes in the table of contents:

SEC. 3101. STATE OR LOCAL GOVERNMENT LANDS

Section 21 of the Federal Power Act is amended as follows:

(1) In the first sentence after the word "right" insert " , temporarily during project construction,".

(2) In the first sentence after the word "damage" insert "(and to restore and repair),".

(3) After the first sentence insert: "The term 'unimproved dam site' shall not include any site or area that was acquired by a State or local government or agency thereof solely for the purposes of a public park, recreation, or wildlife refuge before the date such license is issued a license by the Commission and is owned and operated for such purposes, except that nothing in this sentence shall preclude a State or local government from consenting to the acquisition of such site or area with the licensee." The amendments made by this section to section 21 of the Federal Power Act shall apply to the exercise of eminent domain by any licensee under such section after the date of this Act.

SEC. 3102. APPLICATION OF CERTAIN STATE LAWS.

Part I of the Federal Power Act is amended by adding the following new section at the end thereof:

"SEC. 32. APPLICATION OF CERTAIN STATE LAWS.

"If, prior to the filing of any application by any person for an original license under this Act, a State has previously enacted a law (after the Governor of such State has provided prior and timely notice of the State's intention to enact such a law to the Secretary of the Interior, the Secretary of Energy, the Secretary of Commerce, and the Chairman of the Commission, affording each an opportunity of at least 90 days to comment to the Governor and to the State legislature) specifically prohibiting, as part of a comprehensive State plan, development of hydroelectric power facilities and similar facilities, in order to protect permanently specific natural river segments within the State, including adjacent lands, the Commission, in any licensing proceeding, shall afford such State law a rebuttable presumption that issuance of a license for a hydroelectric project on such segments is not desirable and justified in the public interest. Notwithstanding any such State law, any person may apply to the Commission for a license under this part to construct a project on any such segment, and if such applicant rebuts such presumption, the Commission

may, pursuant to a majority vote, after taking into consideration the provisions of section 4(e) and 10, issue a license under this part for such project. Nothing in this section shall apply to the issuance of a new license under section 15 for any existing facility in a relicensing proceeding under this Act."

SEC. 3103. TECHNICAL CORRECTION.

Section 31(c) of the Federal Power Act is amended by striking out "or exemptee" and inserting "exemptee or other person".

SEC 3104. PUBLIC LANDS.

Section 24 of the Federal Power Act (16 U.S.C. 818) is amended by adding the following at the end thereof: "Any lands of the United States reserved as a power site pursuant to this section which are public lands within the meaning of section 103(e) of the Federal Land Policy and Management Act of 1976 shall be considered to be public lands for purposes of section 501 of that Act notwithstanding such reservation, and any reference in such section 501 to 'the Federal Power Act of 1935 (49 Stat. 847; 16 U.S.C. 791)' shall be considered to be a reference to this act, including this part.". Nothing in this section shall apply to the issuance of a new license under section 15 of the Federal Power Act for any existing facility in a relicensing proceeding under that Act.

Amendment submitted by Mr. MILLER of California:

Page 752, after line 16, insert the following:
TITLE XXXI—FEDERAL AND STATE LANDS

SEC. 3101. RIGHTS-OF-WAY ON CERTAIN FEDERAL LANDS.

(a) EXTENT OF RIGHTS.—(1) Section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) is amended by adding at the end of subsection (b)(1) thereof the following: "Any right-of-way granted or issued under this section shall convey only the rights specifically described therein, and shall not convey or be construed to imply conveyance of any rights to the use of the affected lands or the resources of such lands.".

(2) Section 501 of such Act is amended as follows:

(A) Insert in subsection (a), after "public lands" the following: "(as defined in section 103(e) of this Act)".

(B) In paragraph (4) of subsection (a), strike "Federal Power Commission under the Federal Power Act of 1935 (49 Stat. 847; 16 U.S.C. 791) and insert in lieu thereof "Federal Energy Regulatory Commission under the Federal Power Act, including part 1 thereof (41 Stat. 1063, 16 U.S.C. 791a-825r)".

(b) ENERGY-RELATED RIGHTS-OF-WAY.—Section 501 of the Federal Land Policy and Management Act of 1976 is amended by adding at the end thereof a new subsection, as follows:

"(d)(1) Under this section, a right-of-way on public lands or lands within the National Forest System may be granted or issued for the construction or operation of a non-Federal system (including any dam, diversion, or appurtenant project works) for the generation, transmission, or distribution of electrical energy only if the Secretary or the Secretary of Agriculture, as appropriate, finds that the use of such lands for the construction or operation of the facilities involved in such system—

"(A) is consistent with applicable management plans for such lands, and will not interfere with or be inconsistent with the protection and utilization of such lands for the purposes for which such lands are managed; and

"(B) will not result in substantial degradation of natural or cultural resources, scenic or recreational values, watershed resources, or fish and wildlife populations or habitat affected by the proposed system or affected by the cumulative effects of the proposed system and other uses of such lands or adjacent lands.