

Jones (GA)	McCloskey	Ridge
Kolter	Morrison	Roe
LaFalce	Mrazek	Torricelli
Lehman (FL)	Przkins	Towns
Lewis (GA)	Peterson (FL)	Traxler
Lipinski	Ray	Weiss

DeLauro	Kostmayer
Dellums	Lancaster
Derrick	Lantos
Dicks	LaRocco
Dingell	Laughlin
Dixon	Lehman (CA)
Donnelly	Levin (MI)
Dooley	Levine (CA)
Downey	Lloyd
Dwyer	Long
Dymally	Lowey (NY)
Early	Luken
Edwards (CA)	Manton
Edwards (TX)	Markey
Engel	Martin
English	Martinez
Espy	Matsui
Evans	Mavroules
Fascell	Mazzoli
Fazio	McCurdy
Flake	McDade
Foglietta	McDermott
Ford (MI)	McHugh
Frank (MA)	McMillen (MD)
Frost	McNulty
Gaydos	Mfume
Gejdenson	Miller (CA)
Gephardt	Mineta
Geren	Mink
Gilman	Moakley
Glickman	Mollohan
Gonzalez	Montgomery
Gordon	Moody
Grandy	Moran
Green	Morella
Guarini	Mrazek
Gunderson	Murtha
Hamilton	Myers
Hansen	Nagle
Harris	Natcher
Hayes (IL)	Neal (MA)
Hayes (LA)	Neal (NC)
Hefner	Nowak
Henry	Oakar
Hertel	Oberstar
Hoagland	Obey
Hochbrueckner	Olin
Horn	Olver
Hoyer	Ortiz
Huckaby	Orton
Hughes	Owens (NY)
Hutto	Owens (UT)
Jacobs	Pallone
Jefferson	Panetta
Jenkins	Parker
Johnson (CT)	Pastor
Johnson (SD)	Patterson
Johnston	Payne (NJ)
Jones (NC)	Payne (VA)
Jontz	Pease
Kanjorski	Pelosi
Kaptur	Penny
Kennedy	Peterson (MN)
Kennelly	Pickett
Kildee	Pickle
Klecza	Poshard
Kopetski	Price

Rahall	Rangel
Reed	Reed
Richardson	Richardson
Roemer	Roemer
Rogers	Rogers
Rose	Rose
Rostenkowski	Rostenkowski
Roukema	Roukema
Rowland	Rowland
Roybal	Roybal
Russo	Russo
Sabo	Sabo
Sanders	Sanders
Sangmeister	Sangmeister
Sarpalius	Sarpalius
Savage	Savage
Sawyer	Sawyer
Scheuer	Scheuer
Schiff	Schiff
Schroeder	Schroeder
Schumer	Schumer
Serrano	Serrano
Sharp	Sharp
Shays	Shays
Sikorski	Sikorski
Skaggs	Skaggs
Skeen	Skeen
Skelton	Skelton
Slattery	Slattery
Slaughter	Slaughter
Smith (FL)	Smith (FL)
Smith (IA)	Smith (IA)
Spratt	Spratt
Staggers	Staggers
Stallings	Stallings
Stark	Stark
Stenholm	Stenholm
Stokes	Stokes
Studds	Studds
Swett	Swett
Swift	Swift
Synar	Synar
Tanner	Tanner
Taylor (MS)	Taylor (MS)
Thomas (GA)	Thomas (GA)
Thornton	Thornton
Torres	Torres
Trafiacant	Trafiacant
Unsoeld	Unsoeld
Valentine	Valentine
Visclosky	Visclosky
Volkmer	Volkmer
Walsh	Walsh
Waters	Waters
Waxman	Waxman
Weiss	Weiss
Wheat	Wheat
Whitten	Whitten
Williams	Williams
Wise	Wise
Wolpe	Wolpe
Wyden	Wyden
Yatton	Yatton
Young (AK)	Young (AK)

House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Waste Isolation Pilot Plant Land Withdrawal Act".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Land withdrawal and reservation for WIPP.
- Sec. 4. Establishment of management responsibilities.
- Sec. 5. Plan for test phase activities; retrieval.
- Sec. 6. Test phase activities.
- Sec. 7. Disposal operations.
- Sec. 8. Issuance of Environmental Protection Agency disposal standards.
- Sec. 9. Compliance with environmental standards.
- Sec. 10. Ban on high-level radioactive waste and spent nuclear fuel.
- Sec. 11. Decommissioning of WIPP.
- Sec. 12. Solid Waste Disposal Act; Clean Air Act.
- Sec. 13. Economic assistance and miscellaneous payments.
- Sec. 14. Transportation.
- Sec. 15. Environmental evaluation group.
- Sec. 16. Authorizations of appropriations.
- Sec. 17. Buy American requirements.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGREEMENT.—The term "Agreement" means the July 1, 1981, Agreement for Consultation and Cooperation, as amended by the November 30, 1984 "First Modification", the August 4, 1987 "Second modification", and the March 18, 1988 "Third modification", or as it may be amended after the date of enactment of this Act, between the State of New Mexico and the United States Department of Energy as authorized by section 213(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96-164; 93 Stat. 1259, 1265).

(3) CONTACT-HANDLED TRANSURANIC RADIOACTIVE WASTE.—The term "contact-handled transuranic radioactive waste" means transuranic radioactive waste with a surface dose rate not greater than 200 millirem per hour.

(4) DECOMMISSIONING PHASE.—The term "decommissioning phase" means the period of time beginning with the end of the operations phase and ending when all shafts at the WIPP repository have been back-filled and sealed.

(5) DISPOSAL.—The term "disposal" means permanent isolation of transuranic radioactive waste from the accessible environment with no intent of recovery, whether or not such isolation permits the recovery of such waste.

(6) DISPOSAL STANDARDS.—The term "disposal standards" means the environmental standards for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste to be issued by the Administrator pursuant to section 8.

(7) EEG.—The term "EEG" means the Environmental Evaluation Group for the Waste Isolation Pilot Plant referred to in section 1433 of the National Defense Authorization Act, Fiscal Year 1989 (Pub. L. 100-456; 102 Stat. 1918, 2073).

(8) ENGINEERED BARRIERS.—The term "engineered barriers" means backfill, room seals, panel seals, and any other manmade barrier components of the disposal system.

(9) HIGH-LEVEL RADIOACTIVE WASTE.—The term "high-level radioactive waste" has the

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

86.25 RECORDED VOTE

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

At the end of the committee substitute made in order by the rule (H. Res. 494), add the following new paragraph to section 16:

"(d) Notwithstanding any other provision in this Act, no funds are authorized to be appropriated to carry out this Act unless such funds are appropriated in an Act or Joint Resolution containing no other appropriation (to carry out any other law)."

It was decided in the { Yeas 144 negative } Nays 248

86.26 [Roll No. 288] AYES—144

Allard	Gilchrest	Packard
Allen	Gillmor	Paxon
Archer	Goodling	Petri
Armey	Goss	Porter
Bacchus	Gradison	Pursell
Baker	Hall (TX)	Quillen
Ballenger	Hammerschmidt	Ramstad
Barrett	Hancock	Ravenel
Barton	Hastert	Regula
Bateman	Hefley	Rhodes
Bennett	Herger	Riggs
Bereuter	Hobson	Rinaldo
Bilirakis	Holloway	Ritter
Biley	Hopkins	Roberts
Boehner	Houghton	Rohrabacher
Broomfield	Hubbard	Ros-Lehtinen
Bunning	Hunter	Roth
Burton	Inhofe	Santorum
Callahan	James	Saxton
Camp	Johnson (TX)	Schaefer
Campbell (CA)	Klug	Schulze
Chandler	Kolbe	Sensenbrenner
Clinger	Kyl	Shaw
Coble	Lagomarsino	Shuster
Coleman (MO)	Leach	Smith (NJ)
Combest	Lewis (CA)	Smith (OR)
Cox (CA)	Lewis (FL)	Smith (TX)
Crane	Lightfoot	Snowe
Cunningham	Livingston	Solomon
Dannemeyer	Lowery (CA)	Spence
Davis	Machtley	Stearns
DeLay	Marlenee	Stump
Doolittle	McCandless	Sundquist
Dorgan (ND)	McCollum	Tauzin
Dornan (CA)	McCrery	Taylor (NC)
Dreier	McEwen	Thomas (CA)
Duncan	McGrath	Thomas (WY)
Edwards (OK)	McMillan (NC)	Upton
Emerson	Meyers	Vander Jagt
Erdreich	Michel	Vucanovich
Ewing	Miller (OH)	Walker
Fawell	Miller (WA)	Weber
Fields	Molinari	Weldon
Fish	Moorhead	Wolf
Gallegly	Murphy	Wylie
Gallo	Nichols	Young (FL)
Gekas	Nussle	Zeliff
Gibbons	Oxley	Zimmer

NOES—248

Abercrombie	Blackwell	Carr
Alexander	Boehlert	Chapman
Anderson	Bonior	Clay
Andrews (ME)	Borski	Clement
Andrews (NJ)	Boxer	Coleman (TX)
Andrews (TX)	Brewster	Collins (IL)
Anunzio	Brooks	Collins (MI)
Anthony	Browder	Condit
Applegate	Brown	Cooper
AuCoin	Bruce	Costello
Barnard	Bryant	Cox (IL)
Beilenson	Bustamante	Coyne
Bentley	Byron	Cramer
Berman	Campbell (CO)	Darden
Bevill	Cardin	de la Garza
Bilbray	Carper	DeFazio

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

The SPEAKER pro tempore, Mr. TORRES, assumed the Chair.

When Mr. McDERMOTT, Chairman, pursuant to House Resolution 494, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole

meaning given such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)).

(10) OPERATIONS PHASE.—The term "operations phase" means the period of time, during which transuranic radioactive waste is disposed of at WIPP, beginning with the initial emplacement of transuranic radioactive waste underground for disposal and ending when the last container of transuranic radioactive waste, as determined by the Secretary, is emplaced underground for disposal.

(11) REMOTE-HANDLED TRANSURANIC RADIOACTIVE WASTE.—The term "remote-handled transuranic radioactive waste" means transuranic radioactive waste with a surface dose rate of 200 millirem per hour or greater.

(12) RETRIEVAL.—The term "retrieval" means the removal of transuranic radioactive waste and the container in which it has been retained and any material contaminated by such waste from the underground repository at WIPP.

(13) SECRETARY.—The term "Secretary", unless otherwise specified, means the Secretary of Energy.

(14) SPENT NUCLEAR FUEL.—The term "spent nuclear fuel" has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

(15) TEST PHASE.—The term "test phase" means the period of time, during which test phase activities are conducted, beginning with the initial receipt of transuranic radioactive waste at WIPP and ending when the earliest of the following events occurs:

(A) The conditions described in section 7(b) are met.

(B) The Administrator certifies under section 9(c)(1)(B) that the WIPP facility will not comply with the disposal standards.

(C) The time period described in section 6(c)(5) expires.

(16) TEST PHASE ACTIVITIES.—The term "test phase activities" means the testing and experimentation activities that the Secretary determines to be necessary to determine the suitability of WIPP as a repository for the permanent isolation of transuranic radioactive waste.

(17) TEST PHASE PLAN.—The term "test phase plan" means the Department of Energy WIPP Test Phase Plan: Performance Assessment, dated April 1, 1990, and any revisions to such plan, approved by the Administrator under section 5.

(18) TRANSURANIC RADIOACTIVE WASTE.—The term "transuranic radioactive waste" means waste containing more than 100 nanocuries of alpha-emitting transuranic isotopes per gram of waste, with half-lives greater than 20 years, except for—

(A) high-level radioactive waste;

(B) waste that the Secretary has determined, with the concurrence of the Administrator, does not need the degree of isolation required by the disposal standards; or

(C) waste that the Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with part 61 of title 10, Code of Federal Regulations.

(19) WIPP.—The term "WIPP" means the Waste Isolation Pilot Plant project authorized under section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96-164; 93 Stat. 1259, 1265) to demonstrate the safe disposal of radioactive waste materials generated by defense programs.

(20) WITHDRAWAL.—The term "Withdrawal" means the geographical area consisting of the lands described in section 3(c).

SEC. 3. LAND WITHDRAWAL AND RESERVATION FOR WIPP.

(a) LAND WITHDRAWAL, JURISDICTION, AND RESERVATION.—

(1) LAND WITHDRAWAL.—Subject to valid existing rights, and except as otherwise pro-

vided in this Act, the lands described in subsection (c) are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including without limitation the mineral leasing laws, the geothermal leasing laws, the material sale laws (except as provided in section 4(b)(4) of this Act), and the mining laws.

(2) RESERVATION.—Such lands are reserved for the use of the Secretary of Energy for the construction, experimentation, operation, repair and maintenance, disposal, shutdown, monitoring, decommissioning, and other authorized activities associated with the purposes of WIPP as set forth in section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Public Law 96-164; 93 Stat. 1259, 1265), and this Act.

(b) REVOCATION OF PUBLIC LAND ORDERS.—Public Land Order 6403 of June 29, 1983, as modified by Public Land Order 6826 of January 28, 1991, and the memorandum of understanding accompanying Public Land Order 6826, are revoked.

(c) LAND DESCRIPTION.—

(1) BOUNDARIES.—The boundaries depicted on the map issued by the Bureau of Land Management of the Department of the Interior, entitled "WIPP Withdrawal Site Map," dated October 9, 1990, and on file with the Bureau of Land Management, New Mexico State Office, are established as the boundaries of the Withdrawal.

(2) LEGAL DESCRIPTION AND MAP.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall—

(A) publish in the Federal Register a notice containing a legal description of the Withdrawal; and

(B) file copies of the map described in paragraph (1) and the legal description of the Withdrawal with the Committees on Energy and Natural Resources and Armed Services of the Senate, the Committees on Interior and Insular Affairs, Energy and Commerce, and Armed Services of the House of Representatives, the Secretary of Energy, the Governor of the State of New Mexico, and the Archivist of the United States.

(d) TECHNICAL CORRECTIONS.—The map and legal description referred to in subsection (c) shall have the same force and effect as if they were included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(e) WATER RIGHTS.—This Act does not establish a reservation to the United States with respect to any water or water rights on the Withdrawal. No provision of this Act may be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of New Mexico on or before the date of the enactment of this Act.

SEC. 4. ESTABLISHMENT OF MANAGEMENT RESPONSIBILITIES.

(a) GENERAL AUTHORITY.—The Secretary of the Interior shall be responsible for the management of the Withdrawal pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law, and shall consult with the Secretary of Energy and the State of New Mexico in discharging such responsibility and any other responsibility required by this Act.

(b) MANAGEMENT PLAN.—

(1) DEVELOPMENT.—Within 1 year after the date of the enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Energy and the State of New Mexico, shall develop a management plan for the use of the Withdrawal until the end of the decommissioning phase.

(2) PRIORITY OF WIPP-RELATED USES.—Any use of the Withdrawal for activities not asso-

ciated with WIPP shall be subject to such conditions and restrictions as may be necessary to permit the conduct of WIPP-related activities.

(3) NON-WIPP RELATED USES.—The management plan developed under paragraph (1) shall provide for the maintenance of wildlife habitat and shall provide that the Secretary of the Interior may permit such non-WIPP related uses of the Withdrawal as the Secretary of the Interior determines to be appropriate, including domestic livestock grazing and hunting and trapping in accordance with the following requirements:

(A) GRAZING.—The Secretary of the Interior may permit grazing to continue where established before the date of the enactment of this Act, subject to such regulations, policies, and practices as the Secretary of the Interior, in consultation with the Secretary of Energy, determines to be necessary or appropriate. The management of grazing shall be conducted in accord with applicable grazing laws and policies, including—

(i) the Act entitled "An Act to stop injury to public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," approved June 28, 1934 (43 U.S.C. 315 et seq., commonly referred to as the "Taylor Grazing Act");

(ii) title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.); and

(iii) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1902 et seq.).

(B) HUNTING AND TRAPPING.—The Secretary of the Interior may permit hunting and trapping within the Withdrawal in accordance with applicable laws and regulations of the United States and the State of New Mexico, except that the Secretary of the Interior, after consultation with the Secretary of Energy and the State of New Mexico, may issue regulations designating zones where, and establishing periods when, no hunting or trapping is permitted for reasons of public safety, administration, or public use and enjoyment.

(4) DISPOSAL OF SALT TAILINGS.—The Secretary of the Interior shall dispose of salt tailings extracted from the Withdrawal that the Secretary of Energy determines are not needed for backfill at WIPP. Disposition of such tailings shall be made under sections 2 and 3 of the Act of July 31, 1947, (30 U.S.C. 602, 603; commonly referred to as the "Materials Act of 1947").

(5) PROHIBITION ON MINING.—No surface or subsurface mining, including slant drilling from outside the boundaries of the Withdrawal, shall be permitted at any time (including after decommissioning) on lands on or under the Withdrawal.

(c) CLOSURE TO PUBLIC.—If during the withdrawal made by section 3(a) the Secretary of Energy determines in consultation with the Secretary of the Interior that the health and safety of the public or the common defense and security require the closure to the public use of any road, trail, or other portion of the Withdrawal, the Secretary of Energy may take whatever action the Secretary of Energy determines to be necessary to effect and maintain the closure and shall provide notice to the public of such closure.

(d) MEMORANDUM OF UNDERSTANDING.—The Secretary of the Interior and the Secretary of Energy shall enter into a memorandum of understanding to implement the management plan developed under subsection (b). Such memorandum shall remain in effect until the end of the decommissioning phase.

(e) SUBMISSION OF PLAN.—Within 1 year after the date of the enactment of this Act, the Secretary of the Interior shall submit the management plan developed under sub-

section (b) to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the State of New Mexico. Any amendments to the plan shall be submitted promptly to such Committees and the State of New Mexico.

SEC. 5. PLAN FOR TEST PHASE ACTIVITIES; RETRIEVAL.

(a) **REVIEWS OF TEST PHASE PLAN BY SECRETARY.**—

(1) **ANNUAL REVIEW.**—The Secretary shall annually review the test phase plan and propose any revisions required to ensure that all of the proposed activities described in the plan are necessary to demonstrate that the WIPP facility will comply with the final disposal standards.

(2) **REQUIRED CONSULTATION.**—The Secretary shall conduct any review, and make any required revisions, of the test phase plan in consultation with the National Academy of Sciences, the Administrator, and the EEG.

(b) **TEST PHASE ACTIVITIES TO BE CONDUCTED AT WIPP.**—

(1) **JUSTIFICATION AND TEST PHASE ACTIVITIES.**—The test phase plan (and any revisions to such plan) shall—

(A) include justification for all test phase activities to be conducted at WIPP;

(B) specify the quantities and types of transuranic radioactive waste required for such activities; and

(C) be submitted for review and approval to the Administrator.

(2) **APPROVAL BY ADMINISTRATOR.**—

(A) **IN GENERAL.**—The Administrator shall determine by rule, pursuant to chapter 5 of title 5, United States Code, whether to approve or disapprove the test phase plan (and any revisions to such plan). The Administrator shall issue a proposed rule under this paragraph not later than 90 days after receipt of such plan (and revisions).

(B) **STANDARD FOR APPROVAL.**—The Administrator may approve the test phase plan (and any revisions to such plan) only if the Administrator determines that all of the proposed activities described in such plan (and revisions) are necessary to demonstrate that the WIPP facility will comply with the final disposal standards under section 8.

(c) **RETRIEVAL PLAN.**—The Secretary shall issue and submit to the Administrator for review a detailed retrieval plan to be implemented by the Secretary under section 6(c)(5) or 9(b)(3). Such plan shall include specific plans for the interim management and storage of any such removed waste and specify the location of such storage. The Administrator shall determine by rule, pursuant to chapter 5 of title 5, United States Code, whether to approve or disapprove such plan. The Administrator shall issue a proposed rule under this subsection not later than 90 days after receiving such plan.

(d) **REVIEW BY STATE.**—

(1) **IN GENERAL.**—In addition to the review by the Administrator of the test phase plan (or any revisions to such plan) under subsection (b)(2) and the retrieval plan under subsection (c), the Secretary shall submit each plan or revision, as appropriate, subject to review under such subsections to the State of New Mexico for review. The State of New Mexico shall complete its review and specify any disagreement with the plan (or any revisions to such plan) within 90 days of receipt of such plan or revisions.

(2) **CONFLICT RESOLUTION.**—In the event that the State of New Mexico disagrees with any aspect of any plan or revision to such plan subject to review under paragraph (1), the conflict resolution procedures described in Article IX of the Agreement shall be employed to resolve such disagreement.

(e) **WASTE CHARACTERIZATION.**—The Secretary shall, after providing notice and an

opportunity for public comment, fully characterize all transuranic radioactive waste types at all sites from which wastes are to be shipped to WIPP. The results of such characterization shall be reflected in the test phase plan (and any revisions to such plan) before the Administrator may provide certification under section 9(c)(1)(B).

SEC. 6. TEST PHASE ACTIVITIES.

(a) **GENERAL AUTHORITY.**—The Secretary is authorized, subject to subsections (b) and (c), to conduct test phase activities in accordance with the test phase plan.

(b) **REQUIREMENTS FOR COMMENCEMENT OF TEST PHASE ACTIVITIES.**—The Secretary may not transport any transuranic radioactive waste to WIPP to conduct test phase activities under subsection (a) unless the following requirements are met:

(1) **FINAL DISPOSAL STANDARDS ISSUED.**—The final disposal standards are issued and published in the Federal Register under section 8.

(2) **TERMS OF NO-MIGRATION DETERMINATION COMPLIED WITH.**—The Administrator has determined that the Secretary has complied with the terms and conditions set forth in paragraphs (5), (6), and (7) of the no migration determination described at page 47,720 of Volume 55, No. 220 of the Federal Register, on November 14, 1990.

(3) **RETRIEVAL PLAN APPROVED.**—The Secretary has issued and the Administrator has approved the retrieval plan required under section 5(c).

(4) **TEST PHASE PLAN APPROVED.**—The Administrator has approved the test phase plan (and any revisions to such plan) in accordance with section 5(b)(2).

(5) **CONSIDERATION BY STATE.**—

(A) **REVIEW COMPLETED.**—The Secretary has complied with the requirements of section 5(d) and the State of New Mexico has completed its review under such section.

(B) **CONFLICT RESOLUTION.**—In the event that the conflict resolution procedures described in section 5(d)(2) are employed for any review required under section 5(d)(1), such review shall not be considered complete until the disagreement necessitating the use of such procedures has been resolved in accordance with such procedures.

(6) **EMERGENCY RESPONSE TRAINING.**—

(A) **REVIEW.**—The Secretary of Labor, acting through the Occupational Safety and Health Administration, has reviewed the emergency response training programs of the Department of Energy that apply to WIPP.

(B) **CERTIFICATION.**—The Secretary of Labor, acting through the Occupational Safety and Health Administration, has certified that emergency response training programs of the Department of Energy that apply to WIPP are in compliance with part 1910.120 of title 29, Code of Federal Regulations.

(7) **CERTIFICATION OF SAFETY.**—The Secretary has certified that the safety of all test phase activities to be completed at WIPP can be ensured through procedures that would not compromise the type, quantity, or quality of data collected from such test phase activities.

(c) **LIMITATIONS.**—Test phase activities conducted under subsection (a) shall be subject to the following limitations:

(1) **QUANTITY OF WASTE THAT MAY BE TRANSPORTED.**—During the test phase, the Secretary may transport to WIPP—

(A) only such quantities of transuranic radioactive waste as the Administrator has determined under section 5(b) are necessary to conduct test phase activities to demonstrate that the WIPP facility will comply with the disposal standards; and

(B) in no event more than 4,250 55-gallon drums of transuranic radioactive waste or 1/2 of 1 percent of the total capacity of WIPP as described in section 7(a), whichever is less.

(2) **REMOTE-HANDLED WASTE.**—

(A) **TRANSPORTATION AND EMPLACEMENT.**—The Secretary may not transport to or emplace remote-handled transuranic radioactive waste at WIPP during the test phase.

(B) **STUDY.**—

(i) **IN GENERAL.**—Within 2 years after the date of the enactment of this Act, the Secretary shall complete a study on remote-handled transuranic radioactive waste in consultation with affected States, the Administrator, and after the solicitation of views of other interested parties.

(ii) **REQUIREMENTS OF STUDY.**—Such study shall include an analysis of the impact of remote-handled transuranic radioactive waste on the performance assessment of WIPP and a comparison of remote-handled transuranic radioactive waste with contact-handled transuranic radioactive waste on such issues as gas generation, flammability, explosivity, solubility, and brine and geochemical interactions.

(iii) **PUBLICATION.**—The Secretary shall publish the findings of such study in the Federal Register.

(iv) **REVISION.**—Unless such study finds that remote-handled transuranic radioactive waste requires no additional precautions for disposal in WIPP, the Secretary shall revise the test phase plan to require testing of remote-handled transuranic radioactive waste subject to subparagraph (A).

(3) **ANNUAL CERTIFICATIONS OF RETRIEVABILITY.**—Beginning 1 year after the initial emplacement of transuranic radioactive waste underground at WIPP under subsection (a), and continuing annually throughout the test phase, the Secretary shall certify and the Administrator shall concur that all waste emplaced underground at WIPP remains and will remain fully retrievable during the test phase.

(4) **STABILITY OF ROOMS USED FOR TESTING.**—Transuranic radioactive waste may be emplaced in mined rooms in the underground repository at WIPP to conduct test phase activities only after the Secretary of Labor, acting through the Mine Safety and Health Administration, has certified to the Secretary of Energy that such rooms will remain sufficiently stable and safe to permit uninterrupted testing for the duration of such activities.

(5) **COMPLIANCE WITH DISPOSAL STANDARDS.**—If, upon the expiration of the 10-year period beginning on the date of the enactment of this Act, the Administrator has not certified under section 9(c)(1)(B) that the WIPP facility will comply with the disposal standards—

(A) the Secretary or the Secretary of the Interior, as appropriate, shall implement the retrieval plan under section 5(c) and the decommissioning and post-decommissioning plans under section 11; and

(B) following implementation of such plans, the land withdrawal made by section 3(a) shall terminate.

SEC. 7. DISPOSAL OPERATIONS.

(a) **CAPACITY OF WIPP FACILITY.**—The Secretary may dispose of not more than 5.6 million cubic feet of contact-handled transuranic radioactive waste and 95,000 cubic feet of remote-handled transuranic radioactive waste in WIPP.

(b) **COMMENCEMENT OF DISPOSAL OPERATIONS.**—The Secretary may commence emplacement of transuranic radioactive waste underground for disposal at WIPP only upon completion of—

(1) the Administrator's certification under section 9(c)(1)(B) that the WIPP facility will comply with the disposal standards;

(2) the submission to the Congress by the Secretary and the Secretary of the Interior, respectively, of plans for decommissioning WIPP and post-decommissioning management of the Withdrawal under section 11;

(3) the expiration of the 180-day period beginning on the date on which the Secretary notifies the Congress that all permits and certifications required for disposal operations to begin have been received;

(4) Nuclear Regulatory Commission certification as described in section 14(a) of a container for transporting remote-handled transuranic radioactive waste to WIPP;

(5) the acquisition by the Secretary (whether by purchase, condemnation, or otherwise) of Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C, unless the Administrator determines pursuant to the authority under section 9(a), 9(b), or 9(c) of this Act and section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) that such acquisition is not required; and

(6) the submittal to the Congress by the Secretary of comprehensive recommendations for the disposal of all transuranic radioactive waste under the control of the Secretary, including a timetable for the disposal of such waste.

SEC. 8. ISSUANCE OF ENVIRONMENTAL PROTECTION AGENCY DISPOSAL STANDARDS.

The Administrator shall issue, not later than 6 months after the date of the enactment of this Act, final environmental standards for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste.

SEC. 9. COMPLIANCE WITH ENVIRONMENTAL STANDARDS.

(a) MANAGEMENT AND STORAGE; CLEAN AIR; HAZARDOUS WASTE.—

(1) APPLICABILITY.—The Secretary shall, during the test phase, the operations phase, and the decommissioning phase, comply with respect to WIPP, with—

(A) the Environmental Protection Agency standards for the management and storage of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste described in subpart A of part 191 of title 40, Code of Federal Regulations;

(B) the Clean Air Act (40 U.S.C. 7401 et seq.);

(C) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(D) title XIV of the Public Health Service Act (the Safe Drinking Water Act) (42 U.S.C. 300f et seq.);

(E) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(F) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(G) all regulations promulgated under the laws described in subparagraphs (B) through (F); and

(H) all other applicable Federal laws (and regulations promulgated thereunder) pertaining to public health and safety or the environment and all applicable State and local laws (and regulations promulgated thereunder) pertaining to public health and safety or the environment.

(2) PERIODIC OVERSIGHT BY ADMINISTRATOR AND STATE OF NEW MEXICO.—The Secretary shall, not later than 2 years after the date of the enactment of this Act, and biennially thereafter, submit documentation of continued compliance with the laws, regulations, and standards described in subparagraphs (A), (B), (D), (E), (F), (G), and (H) of paragraph (1), to the Administrator, and with the law described in paragraph (1)(C) and any regulations promulgated thereunder, to the State of New Mexico.

(3) CONCURRENCE OF ADMINISTRATOR.—The Administrator by rule pursuant to chapter 5 of title 5, United States Code, or the State of New Mexico, as appropriate, shall determine not later than 6 months after receiving a submission under paragraph (2) whether the Secretary is in compliance with the laws,

regulations, and standards described in paragraph (1) with respect to WIPP.

(b) DETERMINATION OF NONCOMPLIANCE DURING TEST PHASE.—

(1) DETERMINATION BY ADMINISTRATOR.—If the Administrator determines at any time during the test phase that—

(A) the WIPP facility will not comply with the disposal standards under subsection (c)(1)(B);

(B) the Secretary is not conducting test phase activities involving underground emplacement of transuranic radioactive waste in a manner that allows the waste to be readily retrieved as required by condition (4) of the no-migration determination described at page 47,720 of volume 55, No. 220 of the Federal Register, on November 14, 1990;

(C) conditions at the WIPP facility do not allow the waste to be readily retrieved as required by such condition; or

(D) the WIPP facility does not comply with any law, regulation, or standard described in subsection (a)(1);

the Administrator shall request a remedial plan from the Secretary describing actions the Secretary will take to comply with such regulatory requirements.

(2) DETERMINATION BY STATE.—If the State of New Mexico determines at any time during the test phase that the Secretary has not complied with the standards applicable to owners and operators of hazardous waste, treatment, storage, and disposal facilities under section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) with respect to activities at WIPP, the State of New Mexico shall request a remedial plan from the Secretary describing actions the Secretary will take to comply with such regulatory requirements.

(3) IMPLEMENTATION OF RETRIEVAL PLAN.—If a remedial plan is not received from the Secretary within 6 months of a determination of noncompliance with a regulatory requirement described in paragraph (1) or (2), or if the Administrator or the State of New Mexico, as appropriate, finds any such remedial plan to be inadequate to demonstrate compliance with such regulatory requirement—

(A) the Secretary or the Secretary of the Interior, as appropriate, shall implement the retrieval plan under section 5(c) and the decommissioning and post-decommissioning plans under section 11; and

(B) following implementation of such plans, the land withdrawal made by section 3(a) shall terminate.

(c) DISPOSAL STANDARDS.—

(1) REQUIREMENTS FOR COMMENCEMENT OF DISPOSAL.—Before any transuranic radioactive waste may be emplaced underground at WIPP for disposal under section 7(b)—

(A) the Secretary shall have submitted sufficient documentation to the Administrator to demonstrate that the WIPP facility will comply with the disposal standards; and

(B) the Administrator shall have certified by rule pursuant to chapter 5 of title 5, United States Code, that the WIPP facility will comply with the disposal standards.

(2) PERIODIC RECERTIFICATION.—

(A) BY SECRETARY.—During the period beginning 2 years after the initial receipt of transuranic radioactive waste for disposal at WIPP and ending at the end of the decommissioning phase, the Secretary shall biennially demonstrate that the WIPP facility will comply with the disposal standards and submit documentation of such demonstration to the Administrator.

(B) CONCURRENCE OF ADMINISTRATOR.—The Administrator shall, not later than 6 months after receiving a submission under subparagraph (A), determine whether or not the WIPP facility will comply with the disposal standards.

(3) LIMITATION.—Any determination of the Administrator under paragraph (1)(B) or

(2)(B) may only be made after the documentation is submitted to the Administrator under paragraph (1)(A) or (2)(A), respectively.

(4) ENGINEERED AND NATURAL BARRIERS.—The Secretary shall use both engineered and natural barriers at WIPP to isolate transuranic radioactive waste after disposal to the extent necessary to comply with the disposal standards.

(d) DETERMINATION OF NONCOMPLIANCE DURING OPERATIONS PHASE AND DECOMMISSIONING PHASE.—

(1) REMEDIAL PLANS.—

(A) MANAGEMENT AND STORAGE; CLEAN AIR; HAZARDOUS WASTE.—If, during the operations phase or decommissioning phase, the Administrator, or the State of New Mexico, as appropriate, determines after any submission under subsection (a)(2), that the Secretary has not demonstrated compliance with any regulatory requirement described in such subsection, the Administrator, or the State of New Mexico, as appropriate, shall request a remedial plan from the Secretary describing actions the Secretary will take to demonstrate compliance with such regulatory requirement.

(B) DISPOSAL STANDARDS.—If, during the operations phase or decommissioning phase, the Administrator determines under subsection (c)(2)(B), that the WIPP facility will not comply with the disposal standards, the Administrator shall request a remedial plan from the Secretary describing actions the Secretary will take to demonstrate that the facility will comply with such standards.

(2) CONSEQUENCES OF NONCOMPLIANCE DURING OPERATIONS PHASE OR DECOMMISSIONING PHASE.—If a plan is not received from the Secretary within 6 months of a determination of noncompliance with a regulatory requirement described in paragraph (1)(A) or (1)(B), or the Administrator or the State of New Mexico, as appropriate, finds any such plan inadequate to demonstrate compliance with such regulatory requirement—

(A) the Secretary shall retrieve, to the extent practicable, any transuranic radioactive waste and any material contaminated by such waste from underground at WIPP;

(B) the Secretary or the Secretary of the Interior, as appropriate, shall implement the decommissioning and post-decommissioning plans under section 11; and

(C) following completion of such retrieval and implementation of such plans, the land withdrawal made by section 3(a) shall terminate.

(e) ISSUANCE OF REGULATIONS.—The Administrator shall issue regulations not later than 6 months after the date of the enactment of this Act governing the approval of a test phase plan under section 5(b), periodic oversight under subsection (a)(2), the certification and recertification processes under subsections (c)(1)(B) and (c)(2)(B), respectively, and the retrieval process required under subsection (d)(2). Such regulations shall provide opportunities for public participation in such processes.

(f) SAVINGS PROVISION.—The authorities provided to the Administrator and the State pursuant to this section are in addition to the enforcement authorities available to the State pursuant to State law and to the Administrator, the State, and any other person, pursuant to the Solid Waste Disposal Act and the Clean Air Act.

SEC. 10. BAN ON HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL.

The Secretary may not transport high-level radioactive waste or spent nuclear fuel to WIPP or emplace or dispose of such waste or fuel at WIPP.

SEC. 11. DECOMMISSIONING OF WIPP.

(a) PLAN FOR WIPP DECOMMISSIONING.—Within 5 years after the date of the enact-

ment of this Act, the Secretary shall submit to the Committees on Armed Services and Energy and Natural Resources of the Senate; the Committees on Armed Services, Energy and Commerce, and Interior and Insular Affairs of the House of Representatives; the State of New Mexico; the Secretary of the Interior; and the Administrator a plan to be implemented by the Secretary for decommissioning WIPP. In addition to activities required under the Agreement, the plan shall conform to the disposal standards that apply to WIPP at the time the plan is prepared. The Secretary shall consult with the Secretary of the Interior and the State of New Mexico in the preparation of such plan.

(b) **MANAGEMENT PLAN FOR THE WITHDRAWAL AFTER DECOMMISSIONING.**—Within 5 years after the date of the enactment of this Act, the Secretary of the Interior shall develop a plan to be implemented by the Secretary of the Interior for the management and use of the Withdrawal following the decommissioning of WIPP and the termination of the land withdrawal made by section 3(a). The Secretary of the Interior shall consult with the Secretary and the State of New Mexico in the preparation of such plan and shall submit such plan to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives.

SEC. 12. SOLID WASTE DISPOSAL ACT; CLEAN AIR ACT.

No provision of this Act may be construed to supersede or modify the provisions of the Clean Air Act (42 U.S.C. 7401 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 13. ECONOMIC ASSISTANCE AND MISCELLANEOUS PAYMENTS.

(a) **IMPACT ASSISTANCE PAYMENTS.**—

(1) **IN GENERAL.**—The Secretary may, to such extent and for such amounts as are provided in advance in appropriation Acts, provide payments to the State of New Mexico to assist the State and its affected units of local government in mitigating the potential environmental, social, transportation, economic and other impacts resulting from WIPP. Payments under this paragraph—

(A) may not, in the aggregate, exceed \$40,000,000; and

(B) shall be made from the \$40,000,000 appropriated under Public Law 102-27 (105 Stat. 130, 141) and the Energy and Water Development Appropriations Act, 1992 (Pub. L. 102-104; 105 Stat. 510, 529).

(2) **PAYMENTS TO LOCAL GOVERNMENTS.**—A portion of all payments received by the State of New Mexico under paragraph (1) shall be provided directly to the affected units of local government in the vicinity of, and along the transportation routes to, WIPP. The portion of payments provided to local governments, the identification of local governments to receive payments, and the amount of payment to each local government shall be based on a State assessment of needs, conducted in consultation with affected units of local government and based upon the demonstration of local impacts by the affected local governments.

(3) **MEDICAL EMERGENCY PREPAREDNESS PAYMENTS TO LOCAL GOVERNMENTS.**—A portion of all payments received by the State of New Mexico under paragraph (1) shall be used for the equipment and training needs of the health care community for purposes of responding to emergencies arising from the operation of WIPP or the transportation of transuranic radioactive waste to WIPP.

(4) **ECONOMIC IMPACT MONITORING FUNCTION.**—A portion of all payments received by the State of New Mexico under paragraph (1) shall be used to establish a Socioeconomic Impact Monitoring Group within the Waste

Management Education and Research Consortium to undertake an annual review of activities at WIPP.

(b) **WIPP-RELATED BUSINESS AND EMPLOYMENT OPPORTUNITIES.**—To the maximum extent practicable, the Secretary shall continue to encourage business and employment opportunities related to WIPP that may be conducive to the economy of the State of New Mexico, especially Lea and Eddy counties, and report annually to the State of New Mexico on these activities.

SEC. 14. TRANSPORTATION.

(a) **SHIPPING CONTAINERS.**—No transuranic radioactive waste may be transported by or for the Secretary to or from WIPP, except in packages that have been certified for the transportation of transuranic radioactive waste by the Nuclear Regulatory Commission and have satisfied the Nuclear Regulatory Commission's quality assurance provisions.

(b) **ACCIDENT PREVENTION AND EMERGENCY PREPAREDNESS.**—

(1) **TRAINING.**—

(A) **IN GENERAL.**—In addition to activities required pursuant to the December 27, 1982, Supplemental Stipulated Agreement, the Secretary shall provide technical assistance for the purpose of training public safety officials, and other emergency responders as described in part 1910.120 of title 29, Code of Federal Regulations, in any State or Indian tribe through whose jurisdiction the Secretary plans to transport transuranic radioactive waste to or from WIPP. Within 30 days of the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and to the States and Indian tribes through whose jurisdiction the Secretary plans to transport transuranic radioactive waste on the training provided through fiscal year 1992.

(B) **ONGOING TRAINING.**—If determined by the Secretary, in consultation with affected States and Indian tribes, to be necessary and appropriate, training described in subparagraph (A) shall continue after the date of the enactment of this Act until the transuranic radioactive waste shipments to or from WIPP have been terminated.

(C) **REVIEW OF TRAINING.**—The Secretary shall periodically review the training provided pursuant to subparagraph (A) in consultation with affected States and Indian tribes.

(D) **COMPONENTS OF TRAINING.**—The training provided pursuant to subparagraph (A) shall cover procedures required for the safe routine transportation of transuranic radioactive waste, as well as procedures for dealing with emergency response situations, including—

(i) instruction of government officials and public safety officers in procedures for the command and control of the response to any incident involving the waste;

(ii) instruction of emergency response personnel in procedures for the initial response to an incident involving transuranic radioactive waste being transported to or from WIPP;

(iii) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving transuranic radioactive waste being transported to or from WIPP; and

(iv) a program to provide information to the public about the transportation of transuranic radioactive waste to or from WIPP.

(2) **EQUIPMENT.**—The Secretary may enter into agreements to assist States through contributions in-kind, in acquiring equipment for response to an incident involving

transuranic radioactive waste transported to or from WIPP.

(c) **SANTA FE BYPASS.**—No transuranic radioactive waste may be transported from the Los Alamos National Laboratory to WIPP until—

(1) all of the funds necessary for the cost of construction of the Santa Fe bypass have been appropriated by the Congress or the State of New Mexico; or

(2) the Santa Fe bypass has been completed.

(d) **STUDY OF TRANSPORTATION ALTERNATIVES.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study comparing the shipment of transuranic radioactive waste to the WIPP facility by truck and by rail, including the use of dedicated trains, and shall submit a report on the study in accordance with paragraph (2). Such report shall include—

(A) a consideration of occupational and public risks and exposures, and other environmental impacts;

(B) a consideration of emergency response capabilities;

(C) an estimation of comparative costs; and

(D) findings and recommendations with respect to—

(i) the most appropriate routes for transporting transuranic radioactive waste to WIPP based on the foregoing considerations; and

(ii) necessary or appropriate measures to minimize the potential risks to public health and safety and the environment of transporting transuranic radioactive waste along such routes, taking into consideration weather, other natural conditions or hazards, and other relevant criteria.

(2) **IMPLEMENTATION OF STUDY RECOMMENDATIONS.**—The Secretary, in consultation with affected States and Indian tribes, shall implement the recommendations made under paragraph (1)(D) to the extent practicable. The Secretary shall certify such implementation to the Congress prior to the transportation of transuranic radioactive waste to WIPP for disposal.

(3) **REPORT.**—The report required in paragraph (1) and the certification required in paragraph (2) shall be submitted to the Speaker of the House of Representatives and the President pro tempore of the Senate not later than July 1, 1993.

(4) **FUNDING.**—Of appropriated amounts described in section 13(a)(1)(B), the Secretary shall use an amount not to exceed \$300,000 to carry out the study required under this subsection.

SEC. 15. ENVIRONMENTAL EVALUATION GROUP.

(a) **ACCESS TO DATA, REPORTS AND MEETINGS.**—The Secretary shall—

(1) provide the EEG with free and timely access to data relating to WIPP produced or obtained by the Secretary or contractors of the Secretary;

(2) provide the EEG with preliminary reports relating to WIPP; and

(3) permit the EEG to attend meetings relating to WIPP with expert panels, peer review groups, and appropriate Federal agencies.

(b) **EVALUATION AND PUBLICATION.**—The EEG may evaluate and publish analyses of the Secretary's plans for test phase activities, monitoring, transportation, operations, decontamination, retrieval, performance assessment, compliance with Environmental Protection Agency standards, decommissioning, safety analyses, and other activities relating to WIPP.

(c) **CONSULTATION AND COOPERATION.**—The Secretary shall consult and cooperate with the EEG in carrying out the requirements of this section.

SEC. 16. AUTHORIZATIONS OF APPROPRIATIONS.

(a) **FOR ADMINISTRATOR.**—

(1) IN GENERAL.—There are authorized to be appropriated to the Administrator for the purpose of fulfilling the responsibilities of the Administrator under this Act, \$10,000,000 for fiscal year 1992, \$12,000,000 for fiscal year 1993, \$14,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal years 1995 through 2001.

(2) REPORT.—The Administrator shall, not later than September 30, 1993, and annually thereafter, issue a report to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the status of and resources required for the fulfillment of the Administrator's responsibilities under this Act.

(b) TRANSFERS FROM SECRETARY TO ADMINISTRATOR AND MSHA.—The Secretary is authorized to transfer from amounts appropriated for environmental restoration and waste management for fiscal years 1992 and 1993, and (to the extent approved in appropriation Acts) for fiscal years 1994 through 2001, such sums as may be useful for the purpose of assisting in the fulfillment of the responsibilities of the Administrator under this Act and the Mine Safety and Health Administration under section 6(c)(4).

(c) ACQUISITION OF LEASEHOLD.—There are authorized to be appropriated to the Secretary such sums as may be necessary to acquire the 1,600 acre potash leasehold within the Withdrawal, comprising a portion of Federal Potash Lease No. NM 0384584, and the Federal Oil and Gas Leases No. MNM 02953 and No. MNM 02953C.

SEC. 17. BUY AMERICAN REQUIREMENTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated or transferred pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

(b) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—

(1) IN GENERAL.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

Amend the title so as to read: "An Act to withdraw land for the Waste Isolation Pilot Plant, and for other purposes."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. TORRES, announced that the yeas had it.

Mr. JONTZ demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 382 Nays 10

86.27

[Roll No. 289]

AYES—382

- Abercrombie, Alexander, Allard, Allen, Anderson, Andrews (ME), Andrews (NJ), Andrews (TX), Annunzio, Anthony, Applegate, Archer, Arney, AuCoin, Bacchus, Baker, Ballenger, Barnard, Barrett, Barton, Bateman, Beilenson, Bennett, Bentley, Bereuter, Beville, Bilirakis, Blackwell, Bliley, Boehlert, Boehner, Bonior, Borski, Boxer, Brewster, Brooks, Broomfield, Browder, Brown, Bruce, Bryant, Bunning, Burton, Bustamante, Byron, Callahan, Camp, Campbell (CA), Campbell (CO), Cardin, Carper, Carr, Chandler, Chapman, Clay, Clement, Clinger, Coble, Coleman (MO), Coleman (TX), Collins (IL), Collins (MI), Combust, Condit, Cooper, Costello, Cox (CA), Cox (IL), Coyne, Cramer, Cunningham, Dannemeyer, Darden, Davis, de la Garza, DeFazio, DeLauro, DeLay, Dellums, Derrick, Dickinson, Dicks, Dingell, Dixon, Donnelly, Dooley, Doolittle, Dorgan (ND), Dornan (CA), Downey, Dreier, Duncan, Dwyer, Dymally, Early, Edwards (CA), Edwards (OK), Edwards (TX), Emerson, Engel, English, Erdreich, Espy, Evans, Ewing, Fascell, Fawell, Fazio, Fields, Fish, Flake, Foglietta, Ford (MI), Frank (MA), Frost, Gallegly, Gallo, Gaydos, Gejdenson, Gekas, Gephardt, Geren, Gibbons, Gilchrest, Gillmor, Gilman, Glickman, Gonzalez, Goodling, Gordon, Goss, Gradison, Grandy, Green, Guarini, Gunderson, Hall (TX), Hamilton, Hammerschmidt, Hancock, Hansen, Harris, Hastert, Hayes (IL), Hayes (LA), Hefley, Hefner, Henry, Herger, Hertel, Hoagland, Hobson, Hochbrueckner, Holloway, Hopkins, Horn, Houghton, Hoyer, Hubbard, Huckaby, Hughes, Hunter, Hutto, Inhofe, Jacobs, James, Jefferson, Jenkins, Johnson (CT), Johnson (SD), Johnson (TX), Johnston, Jones (NC), Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kleczka, Klug, Kolbe, Kopetski, Kostmayer, Lagomarsino, Lancaster, Lantos, LaRocco, Laughlin, Leach, Lehman (CA), Levin (MI), Levine (CA), Lewis (CA), Lewis (FL), Lightfoot, Livingston, Lloyd, Long, Lowery (CA), Lowey (NY), Luken, Machtley, Manton, Markey, Marlenee, Martin, Martinez, Matsui, Mavroules, Mazzoli, McCandless, McCollum, McCreary, McCurdy, McDade, McDermott, McEwen, McGrath, McHugh, McMillan (NC), McMillen (MD), McNulty, Meyers, Mfume, Michel, Miller (CA), Miller (OH), Miller (WA), Mineta, Mink, Moakley, Molinari, Mollohan, Montgomery, Moody, Moran, Morella, Mrazek, Murphy, Myers, Nagle, Natcher, Neal (MA), Neal (NC), Nichols, Nowak, Nussle, Oaker, Oberstar, Obey, Olin, Olver, Ortiz, Orton, Owens (NY), Owens (UT), Oxley, Packard, Pallone, Panetta, Parker, Pastor, Patterson, Paxon, Payne (NJ), Payne (VA), Pease, Pelosi, Penny, Peterson (MN), Petri, Pickett, Pickle, Porter, Poshard, Price, Pursell, Quillen, Rahall, Ramstad, Rangel, Ravenel, Reed, Regula, Rhodes, Riggs, Rinaldo, Ritter, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Rose, Rostenkowski, Roth, Roukema, Rowland, Roybal, Russo, Sabo, Sanders, Sangmeister, Santorum, Sarpalius, Savage, Sawyer, Saxton, Schaefer, Scheuer, Schiff, Schroeder, Schulze, Schumer, Serrano, Sharp, Shaw, Shays, Shuster, Sikorski, Skaggs, Skelton, Slattery, Slaughter, Smith (FL), Smith (IA), Smith (NJ), Smith (OR), Smith (TX), Snowe, Solomon, Spence, Spratt, Staggers, Stallings, Stark, Stearns, Stenholm, Schaefer, Studts, Sundquist, Swett, Swift, Synar, Tanner, Tausin, Taylor (MS), Taylor (NC), Thomas (CA), Thomas (GA), Thomas (WY), Thornton, Torres, Traficant, Unsoeld, Upton, Valentine, Vander Jagt, Visclosky, Volkmer, Walker, Walsh, Waters, Waxman, Weber, Weiss, Weldon, Wheat, Whitten, Williams, Wise, Wolf, Wyden, Wylie, Yates, Yatrong, Young (AK), Young (FL), Zeliff, Zimmer

NOES—10

- Billbray, Crane, Jontz, Kyl, Moorhead, Richardson, Sensenbrenner, Stump, Vucanovich, Wolpe

NOT VOTING—42

- Ackerman, Aspin, Atkins, Berman, Boucher, Conyers, Coughlin, Durbin, Eckart, Feighan, Ford (TN), Franks (CT), Gingrich, Hall (OH), Hatcher, Horton, Hyde, Ireland, Jones (GA), Kolter, LaFalce, Lehman (FL), Lent, Lewis (GA), Lipinski, McCloskey, Morrison, Murtha, Perkins, Peterson (FL), Ray, Ridge, Roe, Siskisky, Solarz, Tallon, Torricelli, Towns, Traxler, Vento, Washington, Wilson

So the bill was passed.

On motion of Mr. SPRATT, pursuant to House Resolution 494, the bill of the Senate (S. 1671) to withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, New Mexico, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. SPRATT submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 2637, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "An Act to withdraw lands for the waste isolation pilot plant, and for other purposes."

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

By unanimous consent, H.R. 2637, a similar House bill, was laid on the table.

86.28 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. SPRATT, by unanimous consent,