

cle III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

“ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

“SEC. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

“SEC. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

“SEC. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and operators of facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by Congress of its terms, no party state acquires a potential liability under section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

“SEC. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to section 7.06 of Article VII, the withdrawal or revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

“SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

“SEC. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

“(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

“(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

“SEC. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

“(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

“(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

“(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission.”.

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. GUTKNECHT, announced that the yeas had it.

Mr. BONILLA objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 309
Nays 107

¶114.21 [Roll No. 497] YEAS—309

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|--------------|---------------|----------------|
| Abercrombie | Deutsch | Johnson (WI) |
| Aderholt | Dickey | Johnson, E. B. |
| Allen | Dicks | Johnson, Sam |
| Archer | Dingell | Jones |
| Armye | Dooley | Kaptur |
| Baker | Dreier | Kildee |
| Baldacci | Duncan | Kilpatrick |
| Ballenger | Dunn | Kim |
| Barcia | Edwards | Kind (WI) |
| Barr | Ehlers | King (NY) |
| Barrett (NE) | Ehrlich | Kingston |
| Barrett (WI) | Emerson | Klink |
| Bartlett | Engel | Klug |
| Barton | Eshoo | Knollenberg |
| Bass | Etheridge | Kolbe |
| Bateman | Everett | LaFalce |
| Bentsen | Ewing | Lampson |
| Bereuter | Farr | Largent |
| Berman | Fattah | Latham |
| Berry | Fawell | LaTourette |
| Bilbray | Fazio | Lazio |
| Bilirakis | Flake | Leach |
| Bishop | Foglietta | Levin |
| Bileyle | Foley | Lewis (KY) |
| Blumenauer | Ford | Linder |
| Blunt | Fowler | Livingston |
| Boehert | Fox | Lofgren |
| Boehner | Frelinghuysen | Lowey |
| Bonior | Frost | Lucas |
| Bono | Furse | Luther |
| Borski | Galleghy | Manton |
| Boswell | Ganske | Manzullo |
| Boucher | Gekas | Martinez |
| Boyd | Gephardt | Mascara |
| Brady | Gilchrest | McCarthy (MO) |
| Brown (CA) | Gillmor | McCarthy (NY) |
| Brown (FL) | Goode | McCollum |
| Brown (OH) | Goodlatte | McCrery |
| Bryant | Goodling | McHale |
| Bunning | Gordon | McHugh |
| Burr | Goss | McInnis |
| Burton | Graham | McIntosh |
| Buyer | Granger | McIntyre |
| Callahan | Green | McKeon |
| Camp | Greenwood | Meek |
| Campbell | Gutknecht | Metcalf |
| Canady | Hall (TX) | Mica |
| Cannon | Hamilton | Miller (CA) |
| Carson | Hansen | Miller (FL) |
| Chabot | Harman | Minge |
| Chambliss | Hastert | Mink |
| Chenoweth | Hastings (FL) | Moran (KS) |
| Christensen | Hastings (WA) | Moran (VA) |
| Clay | Hayworth | Myrick |
| Clayton | Hefley | Neumann |
| Clement | Hefner | Ney |
| Clyburn | Herger | Northup |
| Coble | Hill | Norwood |
| Coburn | Hilleary | Nussle |
| Collins | Hobson | Oberstar |
| Combest | Hoekstra | Obey |
| Condit | Horn | Owens |
| Cook | Hostettler | Oxley |
| Cooksey | Houghton | Packard |
| Cox | Hoyer | Parker |
| Cramer | Hulshof | Paxon |
| Crane | Hutchinson | Pease |
| Crapo | Hyde | Pelosi |
| Cubin | Inglis | Peterson (MN) |
| Cunningham | Istook | Peterson (PA) |
| Danner | Jackson-Lee | Pickering |
| Davis (FL) | (TX) | Pickett |
| DeGette | Jenkins | Pitts |
| DeLay | John | Pomeroy |

- | | | |
|---------------|--------------|-------------|
| Porter | Sessions | Taylor (MS) |
| Portman | Shadegg | Taylor (NC) |
| Pryce (OH) | Shaw | Thomas |
| Quinn | Sherman | Thompson |
| Radanovich | Shimkus | Thornberry |
| Rahall | Shuster | Thune |
| Ramstad | Sisisky | Tiahrt |
| Redmond | Skaggs | Towns |
| Regula | Skelton | Traficant |
| Riggs | Smith (MI) | Turner |
| Riley | Smith (OR) | Upton |
| Rivers | Smith (TX) | Vento |
| Roemer | Smith, Adam | Walsh |
| Rogers | Smith, Linda | Wamp |
| Rohrabacher | Snowbarger | Waters |
| Roukema | Snyder | Watkins |
| Royce | Solomon | Watts (OK) |
| Ryun | Spence | Weldon (FL) |
| Sabo | Spratt | Weldon (PA) |
| Salmon | Stabenow | Wexler |
| Sanders | Stark | White |
| Sandlin | Stearns | Whitfield |
| Sanford | Stenholm | Wicker |
| Sawyer | Stokes | Wolf |
| Saxton | Stump | Woolsey |
| Scarborough | Stupak | Wynn |
| Schaefer, Dan | Sununu | Young (AK) |
| Schaffer, Bob | Talent | Young (FL) |
| Scott | Tauscher | |
| Serrano | Tauzin | |

NAYS—107

- | | | |
|-------------|--------------|---------------|
| Ackerman | Hinchey | Nadler |
| Andrews | Hinojosa | Nethercutt |
| Bachus | Holden | Olver |
| Baesler | Hooley | Ortiz |
| Blagojevich | Hunter | Pallone |
| Bonilla | Jackson (IL) | Pappas |
| Calvert | Johnson (CT) | Pascrell |
| Capps | Kanjorski | Paul |
| Castle | Kasich | Payne |
| Conyers | Kelly | Petri |
| Costello | Kennedy (MA) | Pombo |
| Coyne | Kennedy (RI) | Poshard |
| Cummings | Kennelly | Price (NC) |
| Davis (IL) | Kleccka | Reyes |
| Davis (VA) | Kucinich | Rodriguez |
| Deal | LaHood | Rogan |
| DeFazio | Lantos | Ros-Lehtinen |
| Delahunt | Lewis (CA) | Rothman |
| DeLauro | Lewis (GA) | Roybal-Allard |
| Dellums | Lipinski | Rush |
| Diaz-Balart | LoBiondo | Sanchez |
| Dixon | Maloney (CT) | Schumer |
| Doggett | Maloney (NY) | Sensenbrenner |
| Doolittle | Markey | Shays |
| Doyle | McDade | Skeen |
| English | McGovern | Slaughter |
| Evans | McKinney | Smith (NJ) |
| Evans | McNulty | Souder |
| Filner | Meehan | Strickland |
| Forbes | Menendez | Tierney |
| Frank (MA) | Millender | Torres |
| Franks (NJ) | McDonald | Velazquez |
| Gejdenson | Moakley | Watt (NC) |
| Gibbons | Mollohan | Weller |
| Gilman | Morella | Weygand |
| Gutierrez | Murtha | Yates |

NOT VOTING—17

- | | | |
|-----------|-----------|-----------|
| Becerra | Matsui | Tanner |
| Cardin | McDermott | Thurman |
| Gonzalez | Neal | Visclosky |
| Hall (OH) | Pastor | Waxman |
| Hilliard | Rangel | Wise |
| Jefferson | Schiff | |

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

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

¶114.22 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY H.R. 2158

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 105-311) the resolution (H. Res. 261) waiving points of order against the conference report to accompany the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent