

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

- Abercrombie
- Aderholt
- Allen
- Archer
- Armye
- Baker
- Baldacci
- Ballenger
- Barcia
- Barr
- Barrett (NE)
- Barrett (WI)
- Bartlett
- Barton
- Bass
- Bateman
- Bentsen
- Bereuter
- Berman
- Berry
- Bilbray
- Bilirakis
- Bishop
- Bileye
- Blumenauer
- Blunt
- Boehkert
- Boehner
- Bonior
- Bono
- Borski
- Boswell
- Boucher
- Boyd
- Brady
- Brown (CA)
- Brown (FL)
- Brown (OH)
- Bryant
- Bunning
- Burr
- Burton
- Buyer
- Callahan
- Camp
- Campbell
- Canady
- Cannon
- Carson
- Chabot
- Chambliss
- Chenoweth
- Christensen
- Clay
- Clayton
- Clement
- Clyburn
- Coble
- Coburn
- Collins
- Combest
- Condit
- Cook
- Cooksey
- Cox
- Cramer
- Crane
- Crapo
- Cubin
- Cunningham
- Danner
- Davis (FL)
- DeGette
- DeLay
- Deutsch
- Dickey
- Dicks
- Dingell
- Dooley
- Dreier
- Duncan
- Dunn
- Edwards
- Ehlers
- Ehrlich
- Emerson
- Engel
- Eshoo
- Etheridge
- Everett
- Ewing
- Farr
- Fattah
- Fawell
- Fazio
- Flake
- Foglietta
- Foley
- Ford
- Fowler
- Fox
- Frelinghuysen
- Frost
- Furse
- Galleghy
- Ganske
- Gekas
- Gephardt
- Gilchrest
- Gillmor
- Goode
- Goodlatte
- Goodling
- Gordon
- Goss
- Graham
- Granger
- Green
- Greenwood
- Gutknecht
- Hall (TX)
- Hamilton
- Hansen
- Harman
- Hastert
- Hastings (FL)
- Hastings (WA)
- Hayworth
- Hefley
- Hefner
- Herger
- Hill
- Hilleary
- Hobson
- Hoekstra
- Horn
- Hostettler
- Houghton
- Hoyer
- Hulshof
- Hutchinson
- Hyde
- Inglis
- Istook
- Jackson-Lee (TX)
- Jenkins
- John
- Johnson (WI)
- Johnson, E. B.
- Johnson, Sam
- Jones
- Kaptur
- Kildee
- Kilpatrick
- Kim
- Kind (WI)
- King (NY)
- Kingston
- Klink
- Klug
- Knollenberg
- Kolbe
- LaFalce
- Lampson
- Largent
- Latham
- LaTourette
- Lazio
- Leach
- Levin
- Lewis (KY)
- Linder
- Livingston
- Lofgren
- Lowey
- Lucas
- Luther
- Manton
- Manzullo
- Martinez
- Mascara
- McCarthy (MO)
- McCarthy (NY)
- McCollum
- McCrery
- McHale
- McHugh
- McInnis
- McIntosh
- McIntyre
- McKeon
- Meek
- Metcalf
- Mica
- Miller (CA)
- Miller (FL)
- Minge
- Mink
- Moran (KS)
- Moran (VA)
- Myrick
- Neumann
- Ney
- Northup
- Norwood
- Nussle
- Oberstar
- Obey
- Owens
- Oxley
- Packard
- Parker
- Paxon
- Pease
- Pelosi
- Peterson (MN)
- Peterson (PA)
- Pickering
- Pickett
- Pitts
- Pomeroy
- Porter
- Portman
- Pryce (OH)
- Quinn
- Radanovich
- Rahall
- Ramstad
- Redmond
- Regula
- Riggs
- Riley
- Rivers
- Roemer
- Rogers
- Rohrabacher
- Roukema
- Royce
- Ryun
- Sabo
- Salmon
- Sanders
- Sandlin
- Sanford
- Sawyer
- Saxton
- Scarborough
- Schaefer, Dan
- Schaffer, Bob
- Scott
- Serrano
- Shaw
- Sherman
- Shimkus
- Shuster
- Sisisky
- Skaggs
- Skelton
- Smith (MI)
- Smith (OR)
- Smith (TX)
- Smith, Adam
- Smith, Linda
- Snowbarger
- Snyder
- Solomon
- Spence
- Spratt
- Stabenow
- Stark
- Stearns
- Stenholm
- Stokes
- Stump
- Stupak
- Sununu
- Talent
- Tauscher
- Tauzin
- Taylor (MS)
- Taylor (NC)
- Thomas
- Thompson
- Thornberry
- Thune
- Tiahrt
- Towns
- Traficant
- Turner
- Upton
- Vento
- Walsh
- Wamp
- Waters
- Watkins
- Watts (OK)
- Weldon (FL)
- Weldon (PA)
- Wexler
- White
- Whitfield
- Wicker
- Wolf
- Woolsey
- Wynn
- Young (AK)
- Young (FL)

- Porter
- Portman
- Pryce (OH)
- Quinn
- Radanovich
- Rahall
- Ramstad
- Redmond
- Regula
- Riggs
- Riley
- Rivers
- Roemer
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- Rohrabacher
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- Sessions
- Shadegg
- Shaw
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- Traficant
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- Wamp
- Waters
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- Watts (OK)
- Weldon (FL)
- Weldon (PA)
- Wexler
- White
- Whitfield
- Wicker
- Wolf
- Woolsey
- Wynn
- Young (AK)
- Young (FL)

NAYS—107

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

NOT VOTING—17

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

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

agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶114.23 PROVIDING FOR THE CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1122

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 105-312) the resolution (H. Res. 262) providing for the consideration of the Senate amendments to bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions.

When said resolution and report were referred to the House Calendar and ordered printed.

¶114.24 ORDER OF BUSINESS— CONSIDERATION OF H.R. 901

On motion of Mr. SOLOMON, by unanimous consent,

Ordered, That it be in order today, or any day hereafter, for the Speaker, as though pursuant to clause 1(b) of rule XXIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, and that consideration of the bill proceed according to the following order: (1) the first reading of the bill shall be dispensed with; (2) general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; (3) after general debate the bill shall be considered for amendment under the five-minute rule; (4) it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, and the committee amendment in the nature of a substitute shall be considered as read; (5) no amendment shall be in order except the amendments printed in the Congressional Record and numbered 2, 27, 5, and 51, pursuant to clause 6 of rule XXIII; an amendment at the Speaker's desk submitted by Mr. Miller of California or his designee regarding striking section 4(b); an amendment at the Speaker's desk submitted by Mr. Miller of California or his designee regarding specific Biosphere Reserves; (6) each amendment may be offered only in the order specified in paragraph (5) of this order and may be offered only by the Member who caused the amendments specified in paragraph (5) to be printed in the Congressional Record, or their designees, or a Member otherwise designated in paragraph (5); (7) each amendment shall be considered as read,

shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and all points of order against the amendments specified in this order are waived; (8) the chairman of the Committee of the Whole may: [1] postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and [2] reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes; (9) at the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute; (10) the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions; and (11) House Resolution 243 and House Resolution 257 be laid on the table; and

Ordered further, That the reading of the two amendments at the Speaker's desk submitted by Mr. Miller of California be dispensed with.

¶114.25 ORDER OF BUSINESS— POSTPONEMENT OF VOTES ON SUSPENSIONS

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That the Speaker be authorized to designate a time not later than October 31, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on Monday, September 29, 1997, and previously postponed Tuesday, October 7, 1997.

¶114.26 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1757

Mr. CALLAHAN, pursuant to clause 1(c) of rule XXVIII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, to insist upon the provisions contained in title XXI of the House bill (relating to United States policy with respect to forced abortion and foreign organizations that perform or promote abortion).

¶114.27 AMERICAN LAND SOVEREIGNTY PROTECTION

The SPEAKER pro tempore, Mr. HOBSON, pursuant to the order of the House of earlier today and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

The SPEAKER pro tempore, Mr. HOBSON, by unanimous consent, designated Mr. SUNUNU as Chairman of the Committee of the Whole; and after some time spent therein,

After some further time,

¶114.28 RECORDED VOTE

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

On page 11 of the bill—

- (1) on line 10, strike "and";
- (2) on line 13, strike the period and insert instead "; and"; and
- (3) after line 13, insert the following: "'(3) sites nominated under the Convention on Wetlands of International, Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention).'"

It was decided in the { Yeas 195
negative } Nays 220

¶114.29 [Roll No. 498] AYES—195

Abercrombie	Evans	Klug
Ackerman	Ewing	Kucinich
Allen	Farr	LaFalce
Andrews	Fattah	Lampson
Baldacci	Fawell	Lantos
Barrett (WI)	Fazio	LaTourette
Becerra	Filner	Leach
Bentsen	Flake	Levin
Berman	Forbes	Lewis (GA)
Blagojevich	Ford	Lipinski
Blumenauer	Fox	Lofgren
Bonior	Frank (MA)	Lowey
Borski	Frelinghuysen	Luther
Boucher	Frost	Maloney (CT)
Boyd	Furse	Maloney (NY)
Brown (CA)	Gejdenson	Manton
Brown (FL)	Gephardt	Markey
Brown (OH)	Gilchrest	Mascara
Capps	Gilman	Matsui
Cardin	Gutierrez	McCarthy (MO)
Carson	Hall (OH)	McCarthy (NY)
Castle	Hamilton	McDermott
Clay	Harman	McGovern
Clayton	Hastings (FL)	McHale
Clement	Hefner	McKinney
Clyburn	Hinchey	McNulty
Conyers	Hinojosa	Meehan
Costello	Hooley	Meek
Coyne	Horn	Menendez
Cummings	Hoyer	Millender
Davis (FL)	Jackson (IL)	McDonald
Davis (IL)	Jackson-Lee	Miller (CA)
DeFazio	(TX)	Minge
DeGette	Jefferson	Mink
Delahunt	John	Mollohan
DeLauro	Johnson (CT)	Morella
Dellums	Johnson (WI)	Nadler
Deutsch	Johnson, E. B.	Neal
Dicks	Kanjorski	Obey
Dingell	Kaptur	Olver
Dixon	Kelly	Ortiz
Doggett	Kennedy (MA)	Owens
Dooley	Kennedy (RI)	Pallone
Ehlers	Kildee	Pascrell
Engel	Kilpatrick	Pastor
English	Kind (WI)	Payne
Eshoo	Kleckza	Pelosi