

“(5) TERMS.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member’s successor has taken office.

“SEC. 603. FUNCTIONS.

“The Board shall evaluate the technical and scientific validity of activities undertaken by the Secretary after December 22, 1987, including—

- “(1) site characterization activities; and
- “(2) activities relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

“SEC. 604. INVESTIGATORY POWERS.

“(a) HEARINGS.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

“(b) PRODUCTION OF DOCUMENTS.—

“(1) RESPONSE TO INQUIRIES.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information as may be necessary to respond to any inquiry of the Board under this title.

“(2) EXTENT.—Subject to existing law, information obtainable under paragraph (1) shall not be limited to final work products of the Secretary, but shall include drafts of such products and documentation of work in progress.

“SEC. 605. COMPENSATION OF MEMBERS.

“(a) IN GENERAL.—Each member of the Board shall, subject to appropriations, be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

“(b) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

“SEC. 606. STAFF.

“(a) CLERICAL STAFF.—

“(1) AUTHORITY OF CHAIRMAN.—Subject to paragraph (2), the Chairman may, subject to appropriations, appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

“(2) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

“(b) PROFESSIONAL STAFF.—

“(1) AUTHORITY OF CHAIRMAN.—Subject to paragraphs (2) and (3), the Chairman may, subject to appropriations, appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

“(2) NUMBER.—Not more than 10 professional staff members may be appointed under this subsection.

“(3) TITLE 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive

service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

“SEC. 607. SUPPORT SERVICES.

“(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

“(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General, the Librarian of Congress, and the Director of the Office of Technology Assessment shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

“(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

“(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

“(e) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may, subject to appropriations, procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

“SEC. 608. REPORT.

“The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

“SEC. 610. TERMINATION OF THE BOARD.

“The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

“TITLE VII—MANAGEMENT REFORM

“SEC. 701. MANAGEMENT REFORM INITIATIVES.

“(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

“(b) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

“SEC. 702. REPORTING.

“(a) INITIAL REPORT.—Within 180 days of the date of enactment of this Act, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

“(1) an analysis of the Secretary’s progress in meeting its statutory and contractual obligation to accept title to, possession of, and

delivery of spent nuclear fuel and high-level radioactive waste beginning no later than January 31, 2002, and in accordance with the acceptance schedule;

“(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary’s obligations under this Act and the contracts;

“(3) a detailed description of the Secretary’s contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

“(4) an analysis by the Secretary of its funding needs for fiscal years 1996 through 2001.

“(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of—

“(1) any modifications to the Secretary’s schedule and timeline for meeting its obligations under this Act;

“(2) the reasons for such modifications, and the status of the implementation of any of the Secretary’s contingency plans; and

“(3) the Secretary’s analysis of its funding needs for the ensuing 5 fiscal years.”.

SEC. 2. CONTINUATION OF CONTRACTS.

Subsequent to the date of enactment of this Act, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act in accordance with their terms except to the extent that the contracts have been modified by the parties to the contract.

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

Mr. MARKEY moved to recommit the bill to the Committee on Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Page 23, line 3, after the period insert “Contractors transporting spent nuclear fuel or high-level radioactive waste under any such contract shall not be indemnified under section 170d of the Atomic Energy Act of 1954 for any liability resulting from negligence, gross negligence, or willful misconduct in connection with such transportation.”.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that the nays had it.

Mr. MARKEY demanded a recorded vote on agreeing to said motion, 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 { Yeas 142
negative } Nays 283

¶123.29

[Roll No. 556]

AYES—142

Abercrombie	Blagojevich	Carson
Ackerman	Blumenauer	Clay
Andrews	Borski	Clayton
Baessler	Boswell	Conyers
Barrett (WI)	Brown (CA)	Coyne
Becerra	Brown (FL)	Cummings
Bentsen	Brown (OH)	Davis (IL)
Berman	Cardin	DeFazio

DeGette
Delahunt
DeLauro
Dellums
Dingell
Dixon
Doggett
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Filner
Flake
Furse
Gejdenson
Gephardt
Gibbons
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinche
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kind (WI)

Klecza
Klink
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Miller-
Donald
Miller (CA)
Mink
Moakley
Nadler
Neal
Ney
Oberstar
Obey
Owens
Pallone
Pascrell
Paul
Payne

Pelosi
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Souder
Stark
Stokes
Strickland
Talent
Tauscher
Thompson
Thurman
Tierney
Torres
Velazquez
Vento
Visclosky
Waters
Waxman
Weygand
Wolf
Woolsey
Yates

Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshad
Price (NC)
Pryce (OH)
Quinn

Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder

Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wynn
Young (AK)
Young (FL)

Frelinghuysen
Frost
Gallegly
Ganske
Linder
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinojosa
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio

Leach
Levin
Lewis (KY)
Ganske
Lipinski
Livingston
LoBiondo
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshad
Price (NC)
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Riggs
Riley
Rodriguez
Rogan
Rogers

Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watt (NC)
Watts (OK)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—283

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bilely
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane

Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger

Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
Menendez
Metcalf

Bonior
Cubin
Foglietta
Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bilely
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)

Gonzalez
Schiff
Weldon (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)

Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)

Abercrombie
Ackerman
Andrews
Baesler
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonilla
Boswell
Brown (CA)
Carson
Clay
Condit
Conyers
Coyle
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dixon
Doggett
English
Ensign

Eshoo
Evans
Farr
Filner
Foglietta
Furse
Gephardt
Gibbons
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Herger
Hinche
Hooley
Jackson (IL)
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Klecza
Kucinich
LaFalce
Lampson
Lantos

Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Lucas
Markey
Martinez
McDermott
McGovern
McHale
McIntosh
McKeon
McKinney
McNulty
Meehan
Miller-Donald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Ney
Owens
Pallone
Pascrell
Paul
Payne

NOT VOTING—7

So the motion to recommit with instructions was not agreed to.

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

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

Mr. MARKEY 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 307 Nays 120

123.30

[Roll No. 557]

AYES—307

NOES—120