

13] (RIN: 2120-AA64) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10388. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to the Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Organic Pesticide Chemicals Manufacturing Industry—Pesticide Chemicals Point Source Category [FRL-6126-6] received July 23, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10389. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Small Business Investment Companies [13 CFR Part 107] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10390. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Payment for Non-VA Physician Services Associated with Either Outpatient or Inpatient Care Provided at Non-VA Facilities (RIN: 2900-AH66) received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10391. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and BONDS [31 CFR Part 356] received July 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10392. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules and Regulations [Revenue Ruling 98-37] received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10393. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment Of Loans With Below-Market Interest Rates [Revenue Ruling 98-34] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶77.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1151.—An Act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

¶77.4 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 629

Ms. PRYCE, by direction of the Committee on Rules, called up the following resolution (H. Res. 511):

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact. All points of order against the conference report and against its consideration are waived.

When said resolution was considered. After debate,

On motion of Ms. PRYCE, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

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

Mr. DOGGETT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 313  
affirmative ..... { Nays ..... 108

¶77.5 [Roll No. 343]  
YEAS—313

Aderholt	Dickey	Johnson, E. B.
Allen	Dicks	Johnson, Sam
Archer	Dingell	Jones
Army	Dooley	Kasich
Bachus	Doolittle	Kelly
Baesler	Dreier	Kennedy (RI)
Baker	Duncan	Kennelly
Baldacci	Dunn	Kildee
Balenger	Edwards	Kim
Barcia	Ehlers	Kind (WI)
Barr	Ehrlich	King (NY)
Barrett (NE)	Emerson	Kingston
Barrett (WI)	English	Kleczka
Bartlett	Everett	Klink
Barton	Ewing	Klug
Bass	Fawell	Knollenberg
Bateman	Fazio	Kolbe
Bentsen	Foley	LaHood
Bereuter	Forbes	Lampson
Berry	Fossella	Largent
Bilbray	Fowler	Latham
Bilirakis	Fox	LaTourette
Bishop	Frank (MA)	Lazio
Bliley	Franks (NJ)	Leach
Blumenauer	Frelinghuysen	Levin
Blunt	Galleghy	Lewis (CA)
Boehlert	Ganske	Lewis (KY)
Boehner	Gekas	Linder
Bono	Gephardt	Lipinski
Boswell	Gilchrist	Livingston
Boucher	Gillmor	LoBiondo
Boyd	Gilman	Lucas
Brady (TX)	Goode	Maloney (CT)
Brown (FL)	Goodlatte	Manton
Brown (OH)	Goodling	Manzullo
Bryant	Gordon	Martinez
Bunning	Goss	Mascara
Burr	Graham	McCarthy (MO)
Burton	Granger	McCarthy (NY)
Buyer	Green	McCollum
Callahan	Greenwood	McCreery
Calvert	Gutknecht	McHale
Camp	Hall (OH)	McHugh
Campbell	Hall (TX)	McInnis
Canady	Hall (OH)	McIntosh
Cannon	Hamilton	McIntyre
Carson	Hansen	McKeon
Castle	Harman	Metcalf
Chabot	Hastert	Mica
Chambliss	Hastings (WA)	Miller (FL)
Chenoweth	Hayworth	Minge
Christensen	Hefley	Mollohan
Clement	Hefner	Moran (KS)
Coble	Herger	Moran (VA)
Coburn	Hill	Morella
Collins	Hilleary	Murtha
Combest	Hobson	Myrick
Condit	Hoekstra	Nethercutt
Cook	Horn	Neumann
Cooksey	Hostettler	Ney
Costello	Houghton	Northup
Cox	Hoyer	Norwood
Cramer	Hulshof	Nussle
Crane	Hutchinson	Oberstar
Crapo	Hyde	Obey
Cunningham	Inglis	Oxley
Danner	Istook	Packard
Davis (FL)	Jackson-Lee	Pallone
Davis (VA)	(TX)	Pappas
Deal	Jenkins	Parker
DeGette	John	Paul
DeLay	Johnson (CT)	Paxon
Diaz-Balart	Johnson (WI)	Pease

Peterson (MN)	Sandlin	Sununu
Peterson (PA)	Sanford	Talent
Petri	Saxton	Tanner
Pickering	Scarborough	Tauscher
Pickett	Schaefer, Dan	Tauzin
Pitts	Schaffer, Bob	Taylor (MS)
Pombo	Sensenbrenner	Taylor (NC)
Pomeroy	Sessions	Thomas
Porter	Shadegg	Thornberry
Portman	Shaw	Thune
Pryce (OH)	Shays	Thurman
Quinn	Shimkus	Tiahrt
Radanovich	Shuster	Trafcant
Rahall	Sisisky	Turner
Ramstad	Skaggs	Upton
Redmond	Skelton	Vento
Regula	Smith (MI)	Visclosky
Riggs	Smith (NJ)	Walsh
Riley	Smith (OR)	Wamp
Rivers	Smith (TX)	Watkins
Roemer	Smith, Adam	Watts (OK)
Rogan	Smith, Linda	Weldon (FL)
Rogers	Snowbarger	Weldon (PA)
Rohrabacher	Snyder	Weller
Ros-Lehtinen	Solomon	White
Roukema	Souder	Whitfield
Royce	Spence	Wicker
Ryun	Spratt	Wilson
Sabo	Stearns	Wise
Salmon	Stenholm	Wolf
Sanchez	Stump	Young (AK)
Sanders	Stupak	

NAYS—108

Abercrombie	Hastings (FL)	Owens
Ackerman	Hilliard	Pascrell
Andrews	Hinchey	Pastor
Becerra	Holden	Payne
Berman	Hooley	Pelosi
Blagojevich	Jackson (IL)	Poshard
Bonilla	Jefferson	Rangel
Bonior	Kanjorski	Reyes
Borski	Kennedy (MA)	Rodriguez
Brady (PA)	Kilpatrick	Rothman
Brown (CA)	Kucinich	Roybal-Allard
Capps	LaFalce	Rush
Cardin	Lantos	Sawyer
Clay	Lee	Schumer
Clyburn	Lewis (GA)	Scott
Coyers	Lofgren	Serrano
Coyne	Lowey	Sherman
Cummings	Luther	Skeen
Davis (IL)	Maloney (NY)	Slaughter
DeFazio	Markey	Stabenow
Delahunt	Matsui	Stark
DeLauro	McDermott	Stokes
Deutsch	McGovern	Strickland
Dixon	McKinney	Thompson
Doggett	McNulty	Tierney
Doyle	Meehan	Torres
Ensign	Meek (FL)	Velazquez
Eshoo	Meeks (NY)	Waters
Evans	Menendez	Watt (NC)
Farr	Millender	Waxman
Fattah	McDonald	Wexler
Filner	Miller (CA)	Weygand
Ford	Mink	Woolsey
Furse	Nadler	Wynn
Gejdenson	Neal	Yates
Gibbons	Olver	
Gutierrez	Ortiz	

NOT VOTING—13

Clayton	Hinojosa	Price (NC)
Cubin	Hunter	Towns
Engel	Kaptur	Young (FL)
Etheridge	McDade	
Gonzalez	Moakley	

So the resolution was agreed to.

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

¶77.6 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶77.7 TEXAS LOW-LEVEL RADIOACTIVE WASTEDISPOSAL COMPACT

Mr. Dan SCHAEFER of Colorado, pursuant to House Resolution 511,

called up the following conference report (Rept. No. 105-630):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 629), to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Texas Low-Level Radioactive Waste Disposal Compact Consent Act".

#### SEC. 2. CONGRESSIONAL FINDING.

The Congress finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.).

#### SEC. 3. CONDITIONS OF CONSENT TO COMPACT.

The consent of the Congress to the compact set forth in section 5—

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the compact complies with all of the provisions of such Act.

#### SEC. 4. CONGRESSIONAL REVIEW.

The Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of the enactment of this Act, and at such intervals thereafter as may be provided in such compact.

#### SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE COMPACT.

(a) CONSENT OF CONGRESS.—In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of Congress is given to the States of Texas, Maine, and Vermont to enter into the compact set forth in subsection (b).

(b) TEXT OF COMPACT.—The compact reads substantially as follows:

##### "TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

##### "ARTICLE I. POLICY AND PURPOSE

"SEC. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b-2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to en-

courage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

##### "ARTICLE II. DEFINITIONS

"SEC. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

"(1) 'Act' means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b-2021j).

"(2) 'Commission' means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

"(3) 'Compact facility' or 'facility' means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

"(4) 'Disposal' means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state, means to produce low-level radioactive waste.

"(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

"(7) 'Host county' means a county in the host state in which a disposal facility is located or is being developed.

"(8) 'Host state' means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

"(9) 'Institutional control period' means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

"(10) 'Low-level radioactive waste' has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

"(11) 'Management' means collection, consolidation, storage, packaging, or treatment.

"(12) 'Operator' means a person who operates a disposal facility.

"(13) 'Party state' means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

"(14) 'Person' means an individual, corporation, partnership or other legal entity, whether public or private.

"(15) 'Transporter' means a person who transports low-level radioactive waste.

##### "ARTICLE III. THE COMMISSION

"SEC. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

"SEC. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must re-

ceive the affirmative vote of a majority of its members.

"SEC. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

"SEC. 3.04. The commission shall:

"(1) Compensate its members according to the host state's law.

"(2) Conduct its business, hold meetings, and maintain public records pursuant to laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

"(3) Be located in the capital city of the host state.

"(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

"(5) Keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

"(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

"(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

"(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

"(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

"(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

"(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995-2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

"SEC. 3.05. The commission may:

"(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable

the services of existing employees of the party states. Compensation shall be as determined by the commission.

"(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

"(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

"(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

"(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

"(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

"(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

"(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

"SEC. 3.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

"ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

"SEC. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

"SEC. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

"SEC. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

"SEC. 4.04. The host state shall do the following:

"(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

"(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

"(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

"(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the Commission.

"(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

"(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and Commission vote, at noncompact facilities.

"(7) Promptly notify the other party states of any legal action involving the facility.

"(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

"SEC. 4.05. Each party state shall do the following:

"(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste form specifications of the host state.

"(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

"(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

"(4) Provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

"(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by Congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility

operating license by the host state's regulatory body.

"(6) Provide financial support for the commission's activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission's expenses, incurred for administrative, legal, and other purposes of the commission.

"(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

"(8) Provide on a regular basis to the commission and host state—

"(A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;

"(B) proposed transportation methods and routes; and

"(C) proposed shipment schedules.

"(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

"SEC. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

"ARTICLE V. PARTY STATE CONTRIBUTIONS

"SEC. 5.01. Each party state, except the host state, shall contribute a total of \$25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state \$12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional \$12.5 million.

"SEC. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

"ARTICLE VI. PROHIBITED ACTS AND PENALTIES

"SEC. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

"SEC. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the

party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

"SEC. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

"ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

"SEC. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

"SEC. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

"SEC. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

"SEC. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

"SEC. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date

of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

"SEC. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

"SEC. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

"(1) Texas and the other ratifying state are the initial party states.

"(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

"(3) Each party state is responsible for its pro-rata share of the commission's expenses.

"SEC. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

"SEC. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article 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 op-

erators of the 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."

And the Senate agree to the same. For consideration of the House bill and Senate amendment, and modifications committed to conference:

TOM BLILEY,  
DAN SCHAEFER,  
JOE BARTON,  
JOHN D. DINGELL,  
RALPH M. HALL,

*Managers on the Part of the House.*

STROM THURMOND,  
ORRIN HATCH,  
PATRICK LEAHY,

*Managers on the Part of the Senate.*

Pending consideration of the conference report,

On demand of Mr. BONILLA, pursuant to clause 2, rule XXVIII,

*Ordered*, That time for debate be equally divided among Messrs. Dan SCHAEFER of Colorado, HALL of Texas, and BONILLA.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said conference report?

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

Mr. REYES 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 ..... 305  
Nays ..... 117

¶77.8 [Roll No. 344]  
YEAS—305

Aderholt	DeGette	Johnson (WI)
Allen	DeLay	Johnson, E. B.
Archer	Deutsch	Johnson, Sam
Army	Dickey	Jones
Baker	Dicks	Kaptur
Baldacci	Dingell	Kim
Ballenger	Dooley	Kind (WI)
Barcia	Doolittle	King (NY)
Barr	Dreier	Kingston
Barrett (NE)	Duncan	Kleczka
Barrett (WI)	Dunn	Klink
Bartlett	Edwards	Klug
Barton	Ehlers	Knollenberg
Bass	Ehrlich	Kolbe
Bateman	Emerson	LaFalce
Bentsen	Everett	Lampson
Bereuter	Ewing	Largent
Berry	Fawell	Latham
Bilbray	Fazio	LaTourette
Bilirakis	Foley	Lazio
Bishop	Fossella	Leach
Bliley	Fowler	Levin
Blumenauer	Fox	Lewis (CA)
Blunt	Frank (MA)	Lewis (KY)
Boehlert	Frelinghuysen	Linder
Boehner	Frost	Lipinski
Bono	Galleghy	Livingston
Borski	Ganske	Lowe
Boswell	Gejdenson	Lucas
Boucher	Gekas	Luther
Boyd	Gephardt	Maloney (CT)
Brady (TX)	Gilchrest	Manton
Brown (CA)	Gillmor	Manzullo
Brown (FL)	Gilman	Martinez
Brown (OH)	Goode	Mascara
Bryant	Goodlatte	Matsui
Bunning	Goodling	McCarthy (MO)
Burr	Gordon	McCarthy (NY)
Burton	Goss	McCollum
Buyer	Graham	McCrary
Callahan	Green	McDade
Calvert	Greenwood	McHugh
Camp	Gutknecht	McInnis
Campbell	Hall (OH)	McIntosh
Canady	Hall (TX)	McIntyre
Cannon	Hamilton	McKeon
Cardin	Hansen	Metcalf
Carson	Harman	Mica
Chabot	Hastert	Miller (FL)
Chambliss	Hastings (WA)	Minge
Chenoweth	Hayworth	Mollohan
Christensen	Hefley	Moran (KS)
Clay	Hefner	Moran (VA)
Clement	Herger	Murtha
Clyburn	Hill	Myrick
Coble	Hilleary	Neal
Coburn	Hilliard	Neumann
Collins	Hobson	Ney
Combust	Hoekstra	Northup
Condit	Horn	Norwood
Cook	Hostettler	Nussle
Cooksey	Houghton	Oberstar
Costello	Hoyer	Obey
Cox	Hulshof	Olver
Coyne	Hunter	Oxley
Cramer	Hutchinson	Packard
Crane	Hyde	Parker
Crapo	Inglis	Paxon
Cubin	Istook	Pease
Cunningham	Jackson-Lee	Peterson (MN)
Danner	(TX)	Peterson (PA)
Davis (FL)	John	Pickering
Davis (VA)	Johnson (CT)	Pickett

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

NAYS—117

Abercrombie	Hinche	Pascrell
Ackerman	Holden	Pastor
Andrews	Hooley	Paul
Dooley	Jackson (IL)	Payne
Baessler	Jefferson	Pelosi
Becerra	Kanjorski	Petri
Berman	Kasich	Pombo
Blagojevich	Kelly	Rahall
Bonilla	Kennedy (MA)	Rangel
Bonior	Kennedy (RI)	Reyes
Brady (PA)	Kennelly	Rodriguez
Capps	Kildee	Ros-Lehtinen
Castle	Kilpatrick	Rothman
Conyers	Kucinich	Roybal-Allard
Cummings	LaHood	Rush
Davis (IL)	Lantos	Sanchez
Deal	Lee	Schumer
DeFazio	Lewis (GA)	Sensenbrenner
Delahunt	LoBiondo	Shays
DeLauro	Lofgren	Sherman
Diaz-Balart	Maloney (NY)	Skeen
Dixon	Markey	Slaughter
Doggett	McDermott	Smith (NJ)
Doyle	McGovern	Stabenow
Engel	McKinney	Stark
English	McNulty	Strickland
Ensign	Meehan	Thompson
Eshoo	Meek (FL)	Tierney
Evans	Meeke (NY)	Torres
Farr	Menendez	Towns
Fattah	Miller (CA)	Velazquez
Filner	Mink	Visclosky
Forbes	Morella	Waters
Ford	Nadler	Watt (NC)
Franks (NJ)	Nethercutt	Waxman
Furse	Ortiz	Weller
Gibbons	Owens	Wexler
Gutierrez	Pallone	Weygand
Hastings (FL)	Pappas	Woolsey

NOT VOTING—12

Clayton	Jenkins	Price (NC)
Etheridge	McHale	Talent
Gonzalez	Millender-	Young (FL)
Granger	McDonald	
Hinojosa	Moakley	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶77.9 ORDER OF BUSINESS—

CONSIDERATION OF H.J. RES. 120

On motion of Mr. SOLOMON, by unanimous consent,

Ordered, That it may be in order at any time on the legislative day of Thursday, July 30, to consider in the House the joint resolution (H.J. Res. 120) disapproving the extension of the

waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; that the joint resolution be considered as read for amendment; that all points of order against the joint resolution and against its consideration be waived; that the joint resolution be debatable for one hour equally divided and controlled by the chairman of the Committee on Ways and Means (in opposition to the joint resolution) and Representative Lofgren of California or her designee (in support of the joint resolution); that, pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and that the provisions of sections 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam for the remainder of the second session of the One Hundred Fifth Congress.

¶77.10 VA-HUD APPROPRIATIONS

The SPEAKER pro tempore, Mr. QUINN, pursuant to House Resolution 501 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

Mr. COMBEST, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶77.11 RECORDED VOTE

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

Page 72, line 15, strike "\$5,309,000,000" and insert "\$3,709,000,000".

It was decided in the { Yeas ..... 109  
negative ..... } Nays ..... 323

¶77.12 [Roll No. 345]  
AYES—109

Barrett (WI)	Ensign	Kingston
Bass	Evans	Kleczka
Bateman	Fossella	Klug
Bereuter	Frank (MA)	LaFalce
Berry	Franks (NJ)	Largent
Blagojevich	Ganske	Latham
Blumenauer	Goode	Lazio
Brown (OH)	Goodlatte	Leach
Camp	Goodling	Lee
Carson	Gutierrez	Levin
Chabot	Hamilton	LoBiondo
Christensen	Hefley	Lowe
Coble	Herger	Luther
Coburn	Hilleary	Maloney (NY)
Conyers	Hoekstra	Manzullo
Costello	Holden	Markey
Coyne	Inglis	McHugh
Danner	Kanjorski	McInnis
DeFazio	Kaptur	Meehan
Delahunt	Kelly	Miller (CA)
Dingell	Kennedy (MA)	Minge
Doyle	Kildee	Mink
Duncan	Kind (WI)	Moakley