



Concerns about government bullying and safety were the top reasons for those opposing the House Yucca bill

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By Humberto Sanchez

Only a small slice of House membership joined the Nevada delegation earlier this month in voting against legislation to restart the Yucca Mountain nuclear waste repository. But in siding with the Battle Born State, those lawmakers revealed how the policy fight touches nerves around the country.

Interviews with nearly two-thirds of the 72 members, or their offices, who voted 'nay' reflected concerns about transporting the waste and safely storing it at Yucca Mountain. The interviews, conducted last week by The Nevada Independent, also revealed a sense of frustration that the federal government could circumvent the will of residents and impose an unpopular policy on a state.

The opponents came from 26 states, including 16 California Democrats, 11 New York Democrats and five Democrats each from Florida, Texas and Illinois, which is the home state of Rep. John Shimkus, a Republican, who introduced the bill.

“When I first came here we had the same situation with some... midwestern companies that were trying to do a spent-nuclear-fuel-rod dump above ground next to the bombing range, which is an incredibly stupid idea in the first place,” said Rep. Rob Bishop of Utah, who was one of only five Republicans to oppose the Yucca Mountain bill. “I had to fight that, so I understand what Nevada’s going through and I’m empathetic towards their situation.”

He was referring to efforts earlier in his career to fight a nuclear project in Skull Valley, Utah. The Utah delegation was victorious after members united behind a bill, sponsored by Bishop, to designate the site a wilderness area, which prevented

development of the repository. Putting more restrictions on western lands is not typically supported by Republicans, but the move staved off the project.

Another powerful ally is House Minority Leader Nancy Pelosi, who said that she has consistently opposed the project going back to when former Nevada Sen. Harry Reid, a Democrat, successfully managed to halt its progress while he was Senate Majority Leader.

“I have been supporting Harry Reid, our friends there because there are so many issues,” Pelosi said Thursday.

Pelosi referenced an amendment offered by Rep. Dina Titus, a Nevada Democrat, that would have required that the state and local governments provide consent before the project could be built. The proposal failed 332 to 80.

“I can’t imagine why people would vote against the community having consent,” Pelosi said.

The legislation has significant bipartisan support, though, demonstrated by 340 ‘yes’ votes it received in the House. But its future in the Senate is unclear. Sen. Dean Heller, a Republican, and Sen. Catherine Cortez Masto, a Democrat, have pledged to kill it.

And Senate Majority Whip John Cornyn said Thursday that other solutions should be explored, given opposition from both sides of the aisle.

“Senators in both parties have long resisted the Yucca Mountain issue and I think we ought to be looking for alternatives, myself,” Cornyn said.

Cornyn, of Texas, also indicated that the bill would face problems “as long as Sen. Dean Heller is here.”

The Senate is not expected to take up the bill before the election given that Heller, who is the only Republican running in a state Hillary Clinton won in 2016, is in a tight re-election race and Senate Majority Leader Mitch McConnell, of Kentucky, would not want to hurt Heller’s chances by holding a vote on the proposal. The Nevada Senate race could determine which party will control the Senate after the midterms since that Republicans currently have only a slim 51 to 49 advantage.

The Yucca Mountain project has been a perennial issue in the state since it was designated as the national repository by legislation, dubbed the Screw Nevada bill, enacted into law in 1987. But it has grown in significance, especially during presidential elections when any candidate looking to win the state must answer the question on Yucca.

It has also become a cause for environmentalists. Rep. Karen Bass, a Democrat from California, said the issue is important to those who care for the environment in her district, which includes African-American neighborhoods in West and Southwest downtown Los Angeles.

“Yucca Mountain is a really big deal in Los Angeles, believe it or not. [Opposition to the project] is very consistent with my district and the environmentalists there.”

Concerns about transportation were voiced by several members, including Rep. Jose Serrano, a Democrat from New York, whose office provided a statement highlighting that the fact that the waste would travel through most of the nation’s 435 congressional districts.

“Congressman Serrano voted ‘no’ on the Shimkus bill because of the danger posed by transporting spent nuclear fuel and radioactive waste to Yucca Mountain through highly populated areas,” his office said. “A total of 110,000 metric tons of nuclear waste would be shipped through 329 Congressional Districts.”

Issues with storing the waste were also raised by the opposing members. Rep. Pramila Jayapal, a Democrat from Washington state, compared Yucca to Hanford, a defunct facility that for five decades produced nuclear weapons and fuel for power plants on the Columbia River. Some of the waste was buried, which have resulted in leaks.

“We have Hanford in Washington State and we have seen consistently every promise that was made around Hanford is being broken right now,” Jayapal said. “We have leaks, we have no attention being paid to all of that waste that’s being stored. It’s not my district, it’s the other end of the state, but it matters to everybody in the state and so we’ve seen what happens and we don’t want that foisted on somebody else.”

Several members also cited members of the delegation, including Democratic Rep. Jacky Rosen, who had won them over. “Two of your members made compelling arguments that it shouldn’t be stored all in one state,” said Rep. Darren Soto, a Democrat from Florida. “Both Dina Titus and Jacky Rosen articulated arguments that I was sympathetic to.”

Along with Bishop, four other Republicans voted against the bill including Rep. Mark Amodei of Nevada, Rep. Justin Amash of Michigan, Rep. Thomas Massie of Mississippi and Rep. Mia Love of Utah. Love’s office has not responded.

Amash, who is known for holding libertarian views, said he thought that other ideas should be investigated. “I just wanted us to take a look at alternatives before we settled into one position,” he said. “I think there are pros and cons and I felt we hadn’t exhausted the research of the alternatives.”

Massie, who, while not a member, frequently sides with the hard-right conservative group known as the Freedom Caucus, expressed concern that too much power would be given to the federal government under the bill, as well as a concern over a provision that would hold the government harmless for damages to persons or property suffered in the course of any mining, mineral leasing or geothermal leasing activity conducted on the withdrawal.

“Too much authority is given to the secretary of energy,” Massie said. “The federal immunity provisions were troubling and there was no cost offset. Those were my main concerns.”

Amodei had said his concern had to do with not being able to offer an amendment that would have prioritized the state’s universities for project-related research.

Other responses of note include two members who said they would support the bill if they get another opportunity. Rep. Earl Blumenauer, a Democrat from Oregon, said, after further consideration, that he would vote in favor next time.

“I was conflicted on it,” Blumenauer said. “If I had to do it again, I think I would vote yes. As I reflected on it, I think that was the wrong vote. We have on-site storage in my community, and I think it was a good compromise.”

Rep. Chellie Pingree, a Democrat from Maine, said she voted ‘aye’ by mistake. “I mistakenly recorded my vote as ‘no’ when I should have voted ‘yes,’” she said in the Congressional Record.

Rep. Brian Higgins, a Democrat from New York, also voted mistakenly, but in the other direction. “I inadvertently cast my vote contrary to my own intentions. I intended to vote ‘no’ on that bill,” he said on the Congressional Record.