CONGRESSIONAL RECORD—SENATE
November 19, 1999

``(B) This section does not waive any protection from liability for Federal officers or employees under law.

``(1) section 224; or

``(2) subsections . . . sectional basis.

``(C) Applicability of subsections . . . the 1919 World Series.

``(D) Determination of . . . 3rd highest of all time.

``(E) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 106–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

``(F) The Secretary shall . . . 

``B. The applicability of subsections . . . the results of the program to such Committees on a biennial basis.

EXPRESSING THESENATE THATJOSEPH JEFFERSON "SHOELESS JOE" JACKSON SHOULD BE APPROPRIATELY HONORED FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

THURMOND AMENDMENT NO. 2800

Ms. COLLINS (for Mr. HARKIN) proposed an amendment to the bill (S. 1266) to amend the Public Health Services Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation, as follows:

On page 16, lines 14 and 15, strike "$250,000,000 for fiscal year 2000, $500,000,000" and insert "$250,000,000".

GLACIER BAY FISHERIES ACT

BINGAMAN AMENDMENT NO. 2801

Mr. DASCHLE (for Mr. BINGAMAN) proposed an amendment to the bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska; as follows:

SEC. 1. SENSE OF THE SENATE THAT "SHOELESS JOE" JACKSON SHOULD BE APPROPRIATELY HONORED FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS.

SEC. 2. DEFINITIONS.

As used in this Act—

(a) Local residents; and

(b) Park resources and values.

SEC. 4. SEA GULL EGG COLLECTION STUDY

(a) STUDY.—The Secretary, in consultation with the local residents, shall undertake a study of sea gull eggs living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can...
Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 348) to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; as follows:

On page 2, after line 18, insert the following:

"TITLE I—NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1999"

"SEC. 201. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS IN ALASKA"

"Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

"(a) Discussions of Regulation by the Commission.—Notwithstanding sections 4(e) and 23(b), the Commission shall not continue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

"(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by laws, including the endangered Species Act (16 U.S.C. 1531 et seq.) and the fish and wildlife Coordination Act (16 U.S.C. 661 et seq.);

"(2) gives equal consideration to the purposes of—

"(A) energy conservation;

"(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitats); and

"(C) the protection of recreational opportunities,

"(D) the preservation of other aspects of environmental integrity;

"(E) the interests of Alaska Natives, and

"(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

"(3) requires, as a license for any project works—

"(A) the construction, maintenance, and operation of such works to be in compliance with such rules and regulations as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

"(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

"(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

"(b) Definition of "Qualifying Project Works."—For purposes of this section, the term "qualifying project works" means project works—

"(1) that are not part of a project licensed under this Part or exempted from licensing under this Part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

"(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

"(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

"(4) that are located entirely within the boundaries of the State of Alaska; and

"(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

"(c) Election of State Licensing.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed by or been the subject of the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

"(d) Project Works on Federal Lands.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

"(1) the approval of the Secretary having jurisdiction over such lands; and

"(2) such conditions as the Secretary may prescribe.

"(e) Consultation With Affected Agencies.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

"(f) Application of Federal Laws.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

"(g) Oversight by the Commission.—The State of Alaska shall submit to the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

"(h) Resumption of Commission Authority.—Notwithstanding subsection (a), the Commission shall resume its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

"(i) Determination by the Commission.—(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

"(2) The Commission's review required by paragraph (1) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the requirements of subsection (a).

"(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).

"TITLES III—HYDROELECTRIC PROJECTS IN HAWAII"

"SEC. 201. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII"

"Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii, unless a license would be required under section 23), or upon".

"TITLE IV—ARROWROCK DAM HYDROELECTRIC PROJECT"

"SEC. 201. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

"Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4666, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of the Commission's procedures under that section, extend until March 26, 2005, the time period during which the license is required to commence construction of the project."

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

KYL AMENDMENT NO. 2803

Mr. LOTT (for Mr. KYL) proposed an amendment to the bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the city of Sedona, Arizona for a wastewater treatment facility, and for other purposes; as follows:

On page 5, line 15, strike the period at the end and insert "., reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City of the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—".