

HYDROELECTRIC PROJECT DEADLINE EXTENSION

The bill (H.R. 2630) to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT DEADLINE EXTENSION AND LICENSE REIN- STATEMENT

The bill (H.R. 2816) to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT DEADLINE EXTENSION

The bill (H.R. 2869) to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL POWER ACT AMENDMENTS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 100, S. 737.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 737) to extend the deadlines applicable to certain hydroelectric projects, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5412

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. MURKOWSKI, proposes an amendment numbered 5412.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 2, line 1, through page 6, line 6, strike sections 2, 3, 4, 5 and 6, and renumber subsequent sections accordingly.

On page 9, following line 17, add the following new section:

"SEC. 5. EXTENSION OF COMMENCEMENT OF CONSTRUCTION DEADLINE FOR CERTAIN HYDROELECTRIC PROJECTS LOCATED IN ILLINOIS.

"(a) PROJECT NUMBER 3943.—

"(1) Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for project number 3943 (and after reasonable notice), may extend the time required for commencement of construction of such project for not more than 3 consecutive 2-year periods, in accordance with paragraphs (2) and (3).

"(2) An extension may be granted under paragraph (1) only in accordance with—

"(A) the good faith, due diligence, and public interest requirements contained in section 13 of the Federal Power Act; and

"(B) the procedures of the Federal Energy Regulatory Commission under such section.

"(3) This subsection shall take effect for project number 3943 upon the expiration of the extension of the period required for commencement of construction of such project issued by the Federal Energy Regulatory Commission under section 13 of the Federal Power Act.

"(b) PROJECT NUMBER 3944.—

"(1) Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project number 3944 (and after reasonable notice), may extend the time required for commencement of construction of such project for not more than 3 consecutive 2-year periods, in accordance with paragraphs (2) and (3).

"(2) An extension may be granted under paragraph (1) only in accordance with—

"(A) the good faith, due diligence, and public interest requirements contained in section 13 of the Federal Power Act; and

"(B) the procedures of the Commission under such section.

"(3) This subsection shall take effect for project number 3944 upon the expiration of the extension of the period required for commencement of construction of such project issued by the Commission under section 13 of the Federal Power Act.

"SEC. 6. REFURBISHMENT AND CONTINUED OPERATION OF A HYDROELECTRIC FACILITY IN MONTANA.

"Notwithstanding section 10(e)(1) of the Federal Power Act or any other law requiring payment to the United States of an annual or other charge for the use, occupancy, and enjoyment of land by the holder of a license issued by the Federal Energy Regulatory Commission under Part I of the Federal Power Act, a political subdivision of the State of Montana that accepts the terms and conditions of a license for Federal Energy Regulatory Commission project number 1473 in Granite County and Deer Lodge County, Montana—

"(a) shall not be required to pay any such charge with respect to the 5-year period following the date of acceptance; and

"(b) after that 5-year period and for so long as the political subdivision holds the license, shall be required to pay such charges under section 10(e)(1) of the Federal Power Act or any other law for the use, occupancy, and enjoyment of the land covered by the license as the Federal Energy Regulatory Commission or any other federal agency may assess, not to exceed a total of \$20,000 for any year."

Mr. NICKLES. I ask unanimous consent that the amendment No. 5412 offered by Senator MURKOWSKI be agreed to, the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5412) was agreed to.

The bill (S. 737), as amended, was deemed read the third time, and passed, as follows:

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Power Act Amendments of 1996".

SEC. 2. LIMITED EXEMPTION TO HYDROELECTRIC LICENSING PROVISIONS FOR TRANSMISSION FACILITIES ASSOCIATED WITH THE EL VADO HYDROELECTRIC PROJECT.

(a) EXEMPTION.—Part I of the Federal Power Act, and the jurisdiction of the Federal Energy Regulatory Commission under such part I, shall not apply to the transmission line facilities associated with the El Vado Hydroelectric Project (FERC Project No. 5226-002) which are described in subsection (b).

(b) FACILITIES COVERED BY EXEMPTION.—The facilities to which the exemption under subsection (a) applies are those transmission facilities located near the Rio Chama, a tributary of the Rio Grande, in Rio Arriba County, New Mexico, referred to as the El Vado transmission line, a three phase 12-mile long 69 kV power line installed within a 50-foot wide right-of-way in Rio Arriba County, New Mexico, originating at the El Vado Project's switchyard and connecting to the Spills 69 kV Switching Station operated by the Northern Arriba Electric Cooperative, Inc.

SEC. 3. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

The Federal Power Act, as amended, (16 U.S.C. 1791a et seq.) is further amended by adding the following at the end of section 23:

"(c) In the case of any project works in the State of Alaska—

"(1) that are not part of a project licensed under this Act prior to the date of enactment of this subsection;

"(2) for which a license application has not been accepted for filing by the Commission prior to the date of enactment of this subsection (unless such application is withdrawn at the election of the applicant);

"(3) having a power production capacity of 5,000 kilowatts or less;

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

"(5) not located in whole or in part on any Indian reservation, unit of the National Park System, component of the Wild and Scenic Rivers System or segment of a river designated for study for potential addition to such system,

the State of Alaska shall have the exclusive authority to authorize such project works under State law, in lieu of licensing by the Commission under the otherwise applicable provisions of this part, effective upon the date on which the Governor of the State of Alaska notifies the Secretary of Energy that the State has in place a process for regulating such projects which gives appropriate consideration to the improvement or development of the State's waterways for the use or benefit of intrastate, interstate, or foreign commerce, for the improvement and use of waterpower development, for the adequate protection, mitigation of damage to, and enhancement of fish and wildlife (including related spawning grounds), and for other beneficial public uses, including irrigation, flood control, water supply, recreational and other purposes, and Indian rights, if applicable.

"(d) In the case of a project that would be subject to authorization by the State under subsection (c) but for the fact that the project has been licensed by the Commission prior to the enactment of subsection (c), the licensee of such project may in its discretion elect to make the project subject to the authorizing authority of the State.

"(e) With respect to projects located in whole or in part on Federal lands, State authorizations for project works pursuant to