

and as much as 50 years. Decades ago, developers, both private ones such as investor owned utilities, and public ones such as municipal electric utilities or public utility districts, built hydroelectric projects and received original licenses for them from the FERC. Soon, many of those licenses will expire and the public and private license holders will seek new licenses from the FERC. Indeed, Mr. President, according to recent testimony of the National Hydropower Association before the House Energy and Power Subcommittee, over the next fifteen years, the FERC will consider for relicensing, about two-thirds of existing non-federal hydroelectric projects. Nearly 300 projects, representing about 28,917 megawatts of power, will have their present, original licenses expire before the year 2012.

Mr. President, many of those projects will involve the federal resource agencies. The FERC will consider major projects in western states like California, and eastern states like New York. It will consider significant projects in northern states like Michigan and southern states like Alabama. We all are, and we all will be affected by the process by which the FERC relicenses these dams. Mr. President, this bill is extremely important in light of the foregoing.

Hydroelectric power is essential to the welfare of our country. It is clean, renewable and cheap. And, most importantly, it is very inexpensive compared with the other forms of energy. We need to take any steps necessary to ensure that this invaluable source of power remains available to the many consumers that depend upon it for their quality of life. Such steps include the process reforms contained in this bill.

Such reform is necessary because the unfortunate point is, in the last decade the licensing process was created that we now have. What did it do? The process didn't help the energy peaking capability of many of these projects.

According to a September 1997 study of the U.S. Department of Energy, since 1987, of 52 peaking projects relicensing by FERC, 4 projects increased capability, and 48 decreased capacity. In other words, they were less productive as a result of the licensing than they were prior to that relicensing. Ninety-two percent of the peaking projects since 1987 lost capacity. Hydropower is at risk, and it is important that our country understand that.

This is not only unfortunate, but it is bizarre. It is bizarre, Mr. President, because we live in a time when we are rightly sensitive to the environment in which we live. It is difficult to find a source of electric power more benign to the atmosphere than falling water. Yet, this benign power source is at risk. The process reforms I propose will help reverse this trend.

It is critical, Mr. President, that I note what the bill does not do. The bill does not—repeat, does not—eliminate

the authority of federal resource agencies to mandate fish passages as conditions of a FERC license. Also, it does not—repeat, does not—eliminate the authority of federal land agencies to mandate FERC license conditions to protect federal lands impact by the hydroelectric project. That is what the bill will not do. It is important to understand that, because there are many groups that would think I would restrict the ability of some of these single-purpose agencies to participate in the relicensing process. Quite the opposite: I want to spread their authority in a way that makes it more responsible.

This is what the bill will do. The bill will reform the licensing process and improve the decisionmaking in that process in several ways.

1. It requires the federal resource agencies to consider a wider range of factors than they presently consider, as they decide what mandatory conditions to impose in a FERC license. It would require the agencies to examine factors such as: (a) economics; (b) air quality; (c) irrigation; (d) navigation; (e) flood control; (f) recreation; (g) generation capacity; and (h) drinking water supply. The present law does not obligate federal resource agencies to consider such factors. But, better decisions will result if they do.

2. The bill requires those agencies to document their consideration of these factors. Agencies make better decisions in the light and not in the dark, Mr. President.

3. The bill allows the license applicant to obtain expedited administrative review of the conditions proposed by the federal resource agencies for reasonableness. Some check, no matter how minuscule, on the agencies' decisions to impose mandatory conditions is needed.

4. It requires the federal resource agencies to base their conditions on appropriate scientific review, which means a review based on empirical or field tested data, and subject to peer review. Good data helps lead to good decisions.

Mr. President, who can quarrel with federal resource agencies basing their decisions on sound science? Who can quarrel with federal resource agencies broadening the factors they consider as they decide mandatory conditions? Who can quarrel with giving the license applicant, who must bear the burden of mandatory conditions a right to appeal administratively, on an expedited basis, proposed mandatory conditions of the federal resource agencies? Mr. President, these reforms will make for better decisionmaking by the federal resource agencies.

The bill has another significant facet, Mr. President. It gives the FERC authority, after a license application is filed, and after, therefore, the federal resource agencies have documented their expanded and scientific review of conditions for the license, to require that the federal resource agencies submit those conditions to the FERC by a

certain deadline. Simple, but it makes sense, because today those agencies don't have to comply with a deadline, but yet they have almost veto power by their absence from the process if they simply say they are considering a mandatory condition and are not yet willing to submit it to FERC for its inclusion in a license.

In this way, FERC will have before it at one time these various conditions of resource agencies, and, therefore, FERC should be able to efficiently and expeditiously bring about a license. This gives the licensee the opportunity of a quickee appeal. This is what the legislation does. It does not take away the authority of the agencies, it expands it. But it shapes it. It brings about a process that is definable and predictable. And that is exactly what does not occur today. Licensing today can take 8, 15, or 20 years when it ought take no more than 3 or 4 or 5 years. It is not reasonable or right that it should take that long.

Simply what we are doing is reshaping what was a very important piece of legislation now that we have some field experience with it. We cannot afford to lose clean, renewable, abundant resources like hydroelectricity.

In my State of Idaho, we are proud of our hydro base. It brings about inexpensive energy to my State, and to the State of the Presiding Officer. The whole Pacific Northwest is proud that it based its future on the past insight of developing its hydroelectricity. We shouldn't be required to lose it because of misguided law.

That is what I hope my legislation will do, if it becomes law. In the ensuing year, and in the new Congress, we will hold hearing across the West, and certainly here in Washington, on the validity of this approach, to shape the process that is currently underway into a time-predictable process that all can understand and that all can deal with.

ADDITIONAL COSPONSORS

S. 709

At the request of Mr. HAGEL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 709, a bill to protect private property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts.

S. 1097

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1097, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S.

1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1649

At the request of Mr. FORD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1649, a bill to exempt disabled individuals from being required to enroll with a managed care entity under the Medicaid program.

S. 2180

At the request of Mr. LOTT, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2182

At the request of Mr. GORTON, the names of the Senator from Arizona (Mr. KYL), the Senator from Vermont (Mr. LEAHY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Oregon (Mr. SMITH), the Senator from Oregon (Mr. WYDEN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2182, a bill to amend the Internal Revenue Code of 1986 to provide tax-exempt bond financing of certain electric facilities.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2358

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 2358, a bill to provide for the establishment of a service-connection for illnesses associated with service in the Persian Gulf War, to extend and enhance certain health care authorities relating to such service, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Nevada (Mr. BRYAN), the Senator from New Hampshire (Mr. GREGG), the Senator from North Dakota (Mr. CONRAD), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2432

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of indi-

viduals with disabilities, and for other purposes.

S. 2476

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2476, a bill for the relief of Wei Jengsheng.

S. 2484

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2484, a bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes.

S. 2494

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2494, a bill to amend the Communications Act of 1934 (47 U.S.C. 151 et seq.) to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes.

S. 2519

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2519, a bill to promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous and reliable networks for personal wireless services, and ensuring access to Federal Government property for such networks, and for other purposes.

SENATE CONCURRENT RESOLUTION 83

At the request of Mr. WARNER, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New Hampshire (Mr. SMITH), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Texas (Mr. GRAMM), the Senator from Missouri (Mr. ASHCROFT), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of Senate Concurrent Resolution 83, a concurrent resolution remembering the life of George Washington and his contributions to the Nation.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Missouri (Mr. BOND), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado

(Mr. CAMPBELL) was added as a cosponsor of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

SENATE RESOLUTION 278

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of Senate Resolution 278, a resolution designating the 30th day of April of 1999, as "Dia de los Ninos: Celebrating Young Americans," and for other purposes.

SENATE RESOLUTION 283—RELATIVE TO PRIVATE RELIEF LEGISLATION AND THE UNITED STATES COURT OF FEDERAL CLAIMS

Mr. WARNER submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 283

Resolved, That (a) H.R. 998 entitled "A bill for the relief of Lloyd B. Gamble" now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

(b) The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to Mr. Lloyd B. Gamble.

(c) It is the sense of the Senate that if any judgment is entered in favor of Lloyd B. Gamble against the United States, any damages arising from injuries sustained by Lloyd B. Gamble should not exceed \$253,488.

AMENDMENTS SUBMITTED

GLACIER BAY NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 1998

MURKOWSKI AMENDMENT NO. 3672

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (H.R. 3903) to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes; as follows:

On page 2 line 8 strike "paragraph [4]" and insert "paragraph [2]".

On page 2 line 9 strike "paragraph [3]" and insert "paragraph [4]".

On page 4 line 1 strike "838.66" and insert "1191.75".

On page 11 line 19 strike "units" and insert "units resulting from this Act".

On page 11 line 20 strike "considered in applying" and insert "charged against".

On page 12 line 1 strike "units" and insert "units resulting from this Act".