

under this Part and other applicable Federal 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 habitat);

“(C) the protection of recreational opportunities;

“(D) the preservation of other aspects of environmental quality;

“(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 by a licensee at its own expense of such lights and signals 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been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);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 (or exempted from licensing) by 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 notify 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 reassert 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).

#### “TITLE III—HYDROELECTRIC PROJECTS IN HAWAII

##### “SEC. 301. 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. 501. 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 4656, 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 that section and the Commission’s procedures under that section, extend until March 26, 2005, the time period during which the licensee 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 au-

thorize 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 to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).”

On page 5, lines 18 and 19, strike “the amount determined under paragraph (1)” and insert “the consideration required under paragraph (1)”.

#### OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1999

##### MURKOWSKI AMENDMENT NO. 2804

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 149) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996; as follows:

To the bill as reported:

On page 5, strike lines 4 through 11 and redesignate the subsequent paragraphs accordingly.

On page 5 at the end of section 101 add the following new paragraphs:

“(11) Section 103(c)(2) (110 Stat. 4099) is amended by striking “consecutive terms.” and inserting “consecutive terms, except that upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.

“(12) Section 103(c)(9) (110 Stat. 4100) is amended by strike “properties administered by the Trust” and insert in lieu thereof “properties administered by the Trust and all interest created under leases, concessions, permits and other agreements associated with the properties”;

“(13) Section 104(d) (110 Stat. 4102) is amended as follows:

(1) by inserting “(1)” after Financial Authorities.—”;

(2) by striking “(1) The authority” and inserting in lieu thereof “(A) The authority”;

(3) by striking “(A) the terms” and inserting in lieu thereof “(i) the terms”;

(4) by striking “(B) adequate” and inserting in lieu thereof “(ii) adequate”;

(5) by striking “(C) such guarantees” and inserting in lieu thereof “(iii) such guarantees”;

(6) by striking “(2) The authority” and inserting in lieu thereof “(B) The authority”;

(7) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively;

(8) in paragraph (2) (as redesignated by this section)—

(A) by striking “The authority” and inserting in lieu thereof “The Trust shall also have the authority”;

(B) by striking “after determining that the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only”, and

(C) by inserting after “and subject to such terms and conditions,” the words “including