after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC. 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

AMENDMENT NO. 1082

''TITLE II

''SEC. 201. SHORT TITLE.

''This title may be cited as 'Trans-Alaska Pipeline Amendment Act of 1995'.

''SEC. 202. TAPS ACT AMENDMENTS.

''Section 203 of the Act entitled the 'Trans-Alaska Pipeline Authorization Act,' as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States; and

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within six months after the date of enactment of this subsection.

The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC. 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, ad shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

THE SOLID WASTE DISPOSAL ACT OF 1995

KEMPTHORNE AMENDMENT NO. 1083

Mr. CHAFEE (for Mr. KEMPTHORNE) proposed an amendment to the bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; as follows:

On page 35, line 5, after the word, ''agreements'', insert the words, ''or permits authorizing receipt of out-of-State municipal solid waste''.

On page 45, lines 15 and 16, after the word, ''tax'', strike the words, ''assessed against or voluntarily''; on lines 16 and 17, after the word, ''subdivision'', insert the following: '', or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision''.

THE ALASKA POWER ADMINISTRATION SALE ACT TRANS-ALASKA PIPELINE AMENDMENT ACT OF 1995

MURRAY AMENDMENTS NOS. 1084–1091

(Ordered to lie on the table.)

Mrs. MURRAY submitted eight amendments intended to be proposed by her to the bill S. 395, supra; as follows:

AMENDMENT NO. 1084

On page 17, strike lines 9 through 11 and insert the following:

SEC. 9. LICENSES AUTHORIZING EXPORTS.

Any license that is required under any law authorizing an export of Alaskan North Slope oil under section 203(f) of the Trans-Alaska Pipeline Authorization Act, as added by section 202, shall not be made effective as of any date that is earlier than January 1, 1997.

AMENDMENT NO. 1085

On page 14, strike line 15 and all that follows through page 17.

AMENDMENT NO. 1086

At the appropriate place, insert the following:

SEC. . OIL POLLUTION PREVENTION AND EMERGENCY TOWING AND RESCUE VESSEL.

(a) IN GENERAL.—The Secretary of Transportation shall purchase, by not later than January 1, 1996, and cause to be refurbished, equipped, crewed, and placed in operation by the Coast Guard, by not later than July 1, 1996, a vessel to be used for oil spill prevention and protection of the Olympic Coast National Marine Sanctuary and for emergency towing and rescue operations in the Strait of Juan de Fuca and the adjacent Pacific coast.

(b) PAYMENT OUT OF THE OIL SPILL LIABILITY TRUST FUND.—The Secretary of Transportation shall pay, out of the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986—

(1) not more than $10,000,000 for the purchase, refurbishment, and equipping of the vessel under subsection (a); and

(2) not more than $5,000,000 for the maintenance and operation of the vessel for a period of 5 years.

(c) CAPABILITIES.—The vessel provided under subsection (a) shall be capable of providing—

(1) emergency towing service to a vessel of up to 265,000 deadweight tons;

(2) initial oil spill response, a platform for initial salvage assessment, marine fire fighting response and support, and intervention support for the Coordinated Vessel Traffic Service; and

(3) enforcement support for the Department of Fisheries and National Oceanic and Atmospheric Agency.

AMENDMENT NO. 1087

On page 15, between lines 5 and 6 insert the following:

''(2)(A) No license that is required under any law authorizing an export of oil under this subsection may be granted unless the Secretary of Commerce, based on advice from the Attorney General, makes and publishes a finding that the export will not have an anticompetitive effect that is likely to harm independent refiners or consumers.

''(B) A license described in subparagraph (A) shall have a duration of not longer than 1 year, and any renewal or extension of such a license shall be based on a new finding made and published in accordance with subparagraph (A).

''(C) A license described in subparagraph (A) shall be revoked if the Secretary of Commerce determines, based on advice from the Attorney General, that the finding on which the license is based is no longer valid.

AMENDMENT NO. 1088

On page 15, between lines 5 and 6 insert the following:

''(2) The total average daily volume of exports allowed under this subsection in any calendar year shall be limited to the portion of the oil delivered through the trans-Alaska oil pipeline system that—

''(A) is owned by the State of Alaska; or

''(B) is in excess of the following amounts:

''(i) 1,600,000 barrels per calendar day in 1995.

''(ii) 1,500,000 barrels per calendar day in 1996.

''(iii) 1,400,000 barrels per calendar day in 1997.

''(v) 1,600,000 barrels per calendar day in 1998.

''(vi) Such an amount per calendar day in any year after 1998 as the President determines to be in the national interest.

AMENDMENT NO. 1089

On page 15, strike lines 6 through 16 and insert the following:

''(2)(A) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, and subject to subparagraph (B), oil exported under this subsection shall be transported by a vessel documented under the laws of the United States that is eligible to engage in the coastwise trade.

''(B) A vessel shall not be eligible to transport oil under this subsection if, during a voyage on which such oil is transported, any repair on the vessel is performed in a foreign shipyard other than an emergency repair that is necessary in order to allow the vessel to complete the voyage safely.

''(3) Any license that is required under any law authorizing an export of Alaskan North Slope oil under this subsection shall not be made effective as of any date that is earlier than January 1, 1997.

AMENDMENT NO. 1090

At the appropriate place, add the following new title:

TITLE ___—JUSTICE FOR WARDS COVE WORKERS ACT

SEC. ___. APPLICATION OF CIVIL RIGHTS PROTECTIONS.

(a) SHORT TITLE.—This title may be cited as the ''Justice for Wards Cove Workers Act''.

(b) AMENDMENTS.—Section 402 of the Civil Rights Act of 1991 (42 U.S.C. 1981 note) is amended—

(1) in subsection (a) by striking ''(a) IN GENERAL.—''; and

(2) by striking subsection (b).

(c) APPLICATION AND CONSTRUCTION.—

(1) APPLICATION.—For purposes of determining the application of the amendments made by the Civil Rights Act of 1991, such amendments shall apply to a case that was subject to section 402(b) of the Civil Rights Act of 1991 (as in effect on the day before the date of enactment of this Act) in the same manner and to the same extent as such amendments apply to any case brought under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) that was not subject to section 402(b) of the Civil Rights Act of 1991.

(2) CONSTRUCTION.—Nothing in this title shall be construed to alter, or shall be considered to be evidence of, congressional intent regarding the application of such amendments to any case that was not subject to section 402(b) of the Civil Rights Act of 1991.

AMENDMENT NO. 1091

At the end of the bill, add the following:

TITLE III—UNITED STATES CRUISE VESSELS

SEC. 301. SHORT TITLE.

This title may be cited as the ''United States Cruise Vessel Development Act of 1995''.

SEC. 302. PURPOSE.

The purpose of this title is to promote construction and operation of United States flag cruise vessels in the United States.

SEC. 303. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled ''An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes'', approved June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), is amended to read as follows:

''SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

''(a) IN GENERAL.—Except as otherwise provided by law, a vessel may transport passengers in coastwise trade only if—

''(1) the vessel is owned by a person that is—

''(A) an individual who is a citizen of the United States; or

''(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916 (46 App. U.S.C. 802(a));

''(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883); and

''(3) for a vessel that is at least 5 net tons, the vessel is issued a certificate of documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement.

''(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

''(1) IN GENERAL.—Subsection (a)(1) does not apply to a cruise vessel operating under a demise charter that—

''(A) has a term of at least 18 months; and

''(B) is to a person described in subsection (a)(1).

''(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

''(A) is approved by the Secretary; and

''(B) is in accordance with such terms as may be prescribed by the Secretary for that approval.

''(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

''(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

''(A) the vessel—

''(i) is not documented under chapter 121 of title 46, United States Code, on the date of enactment of the United States Cruise Vessel Development Act of 1995; and

''(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

''(B) the owner or charterer of the vessel has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the cruise vessel.

''(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation with a coastwise endorsement is first issued for the vessel after the date of enactment of

the United States Cruise Vessel Development Act of 1995 if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similar stage of construction, under a contract required for the vessel under paragraph (1)(B).

''(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the 18-month period under paragraph (2) for an additional period of not to exceed 6 months for good cause shown.

''(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) who owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

''(1) any 2 ports served by another cruise vessel that transports passengers in coastwise trade under subsection (a) on the date the Secretary issues the coastwise endorsement; or

''(2) any of the islands of Hawaii.

''(e) PENALTIES.—

''(1) CIVIL PENALTY.—A person operating a vessel in violation of this section shall be liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this section.

''(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, shall be liable to seizure by and forfeiture to the United States Government.

''(3) DISQUALIFICATION FROM COASTWISE TRADE.—A person that is required to enter into a construction contract under subsection (c)(1)(B) with respect to a cruise vessel (including any related person with respect to that person) may not own or operate any vessel in coastwise trade after the period applicable under subsection (c)(2) with respect to the cruise vessel, if before the end of that period a keel is not laid and a similar stage of construction is not reached under such a contract.

''(f) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

''(1) COASTWISE TRADE.—The term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port.

''(2) CRUISE VESSEL.—The term 'cruise vessel' means a vessel that—

''(A) is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code);

''(B) has berth or stateroom accommodations for at least 200 passengers; and

''(C) is not a ferry.

''(3) RELATED PERSON.—The term 'related person' means, with respect to a person—

''(A) a holding company, subsidiary, affiliate, or association of the person; and

''(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A).''.

SEC. 304. CONSTRUCTION STANDARDS.

Section 3309 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) A vessel described in paragraph (3) is deemed to comply with this part and part C of this subtitle.

''(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

''(3) A vessel is described in this paragraph if—

''(A) the vessel meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States;

''(B) a coastwise endorsement is issued for the vessel under section 12106 after the date of enactment of the United States Cruise Vessel Development Act of 1995; and

''(C) the vessel is authorized to engage in coastwise trade by reason of subsection (c) of section 8 of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289).''.

SEC. 305. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), is amended—

(1) in subsection (a) by inserting ''other than primarily in the transport of passengers,'' after ''the coastwise trade''; and

(2) by adding at the end the following new subsection:

''(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States.''.

SEC. 306. AMENDMENT TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

Section 1101(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271(b)) is amended by striking ''passenger cargo'' and inserting ''passenger, cargo,''.

SEC. 307. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

(a) PRIORITY.—Notwithstanding any other provision of law, the Secretary of the Interior may not permit a person to operate a vessel in any unit of the National Park System except in accordance with the following priority:

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

(B) holds rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

(B) on the date of the enactment of this Act is permitted to be operated by the person in the unit.

(3) Third, any person that will operate a vessel other than a vessel described in paragraph (1) or (2).

(b) REVOCATION OF PERMITS FOR FOREIGN-DOCUMENTED VESSELS.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

(1) a person requests permission to operate a vessel documented under the laws of the United States in that unit; and

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

(c) RESTRICTIONS ON REVOCATION OF PERMITS.—The Secretary of the Interior may not revoke or refuse to renew permission under subsection (b) for any person holding rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(d) RETURN OF PERMITS.—Any person whose permission to provide visitors services in a unit of the National Park System has been revoked or not renewed under subsection (b) shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

DOMENICI (AND OTHERS) AMENDMENT NO. 1092

Mr. DOMENICI (for himself, Mr. KEMPTHORNE, and Mr. SMITH) proposed an amendment to the bill S. 534, supra; as follows:

On page 69, line 22, strike '' ''.''

On page 69, between lines 22 and 23, insert the following new provision:

''(5) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this subchapter to allow states to promulgate alternate design, operating, landfill gas monitor, financial assurance, and closure requirements for landfills which receive 20 tons or less of municipal solid waste per day based on an annual average, provided that such alternate requirements are sufficient to protect human health and the environment.''.

HATFIELD AMENDMENT NO. 1093

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill S. 395, supra; as follows:

At the appropriate place in title II, add the following new section:

SEC. . RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that—

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;
(2) $13,000,000 in fiscal year 1997;
(3) $10,000,000 in fiscal year 1998;
(4) $8,000,000 in fiscal year 1999;
(5) $6,000,000 in fiscal year 2000;
(6) $3,500,000 in fiscal year 2001; and
(7) $3,500,000 in fiscal year 2002.

DASCHLE (AND OTHERS) AMENDMENT NO. 1094

(Ordered to lie on the table.)

Mr. DASCHLE (for himself, Mr. BAUCUS, Mr. WELLSTONE, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill S. 395, supra; as follows:

On page 14, between lines 14 and 15 insert the following:

SEC. 104. DECLARATION CONCERNING OTHER HYDROELECTRIC PROJECTS AND THE POWER MARKETING ADMINISTRATIONS.

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations in the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending support to any proposal to sell any other hydroelectric project or the power marketing administrations.

HARKIN (AND AKAKA) AMENDMENT NO. 1095

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill S. 395, supra; as follows:

At the appropriate place, insert the following:

TITLE III

SECTION 301. SHORT TITLE.

This Act may be cited as the ''Hydrogen Future Act of 1995''.

SEC. 302. FINDINGS.

Congress finds that—

(1) fossil fuels, the main energy source of the present, have provided this country with tremendous supply but are limited;

(2) additional research, development, and demonstration are needed to encourage private sector investment in development of new and better energy sources and enabling technologies;

(3) hydrogen holds tremendous promise as a fuel because it can be extracted from water and can be burned much more cleanly than conventional fuels;

(4) hydrogen production efficiency is a major technical barrier to society's collectively benefiting from 1 of the great energy carriers of the future;

(5) an aggressive, results-oriented, multiyear research initiative on efficient hydrogen fuel production and use should be maintained; and

(6) the current Federal effort to develop hydrogen as a fuel is inadequate.

SEC. 303. PURPOSES.

The purposes of this Act are—

(1) to provide for a research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications; and

(2) to provide advice from academia and the private sector in the implementation of the Department of Energy's hydrogen research, development, and demonstration program to ensure that economic benefits of the program accrue to the United States.

SEC. 304. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 305. RESEARCH AND DEVELOPMENT.

(a) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Pursuant to this section, the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.), and section 2026 of the Energy Policy Act of 1992 (42 U.S.C. 13436), and in accordance with the purposes of this Act, the Secretary shall conduct a hydrogen energy research, development, and demonstration program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the feasibility of using hydrogen for industrial, residential, transportation, and utility applications.

(2) PRIORITIES.—In establishing priorities for Federal funding under this section, the Secretary shall survey private sector hydrogen activities and take steps to ensure that activities under this section do not displace or compete with the privately funded hydrogen activities of the United States industry.

(b) SCHEDULE.—

(1) SOLICITATION.—Not later than 180 days after the date of the enactment of an Act providing appropriations for programs authorized by this Act, the Secretary shall solicit proposals from all interested parties for research and development activities authorized under this section.

(2) DEPARTMENT FACILITY.—The Secretary may consider, on a competitive basis, a proposal from a contractor that manages and operates a department facility under contract with the Department, and the contractor may perform the work at that facility or any other facility.

(3) AWARD.—Not later than 180 days after proposals are submitted, if the Secretary identifies 1 or more proposals that are worthy of Federal assistance, the Secretary shall award financial assistance under this section competitively, using peer review of proposals with appropriate protection of proprietary information.

(c) COST SHARING.—

(1) RESEARCH.—

(A) IN GENERAL.—In the case of a research proposal, the Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the program.

(B) BASIC OR FUNDAMENTAL NATURE.—The Secretary may reduce or eliminate the non-Federal requirement under subparagraph (A) if the Secretary determines that the research and development are of such a purely basic or fundamental nature that a non-Federal commitment is not obtainable.

(2) DEVELOPMENT AND DEMONSTRATION.—

(A) IN GENERAL.—In the case of a development or demonstration proposal, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs that directly and specifically relate to the program.

(B) TECHNOLOGICAL RISKS.—The Secretary may reduce the non-Federal requirement under subparagraph (A) if the Secretary determines that—

(i) the reduction is necessary and appropriate considering the technological risks involved in the project; and

(ii) the reduction serves the purpose and goals of this Act.

(3) NATURE OF NON-FEDERAL COMMITMENT.—In calculating the amount of the non-Federal commitment under paragraph (1) or (2), the Secretary shall include cash and the fair market value of, personnel, services, equipment, and other resources.

(d) CONSULTATION AND CERTIFICATIONS.—Before financial assistance is provided under this section or the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.)—

(1) the Secretary shall determine, in consultation with the United States Trade Representative and the Secretary of Commerce, that the terms and conditions under which financial assistance is provided are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)); and

(2) an industry participant shall be required to certify that—

(A) the participant has made reasonable efforts to obtain non-Federal funding for the entire cost of the project; and

(B) full non-Federal funding could not be reasonably obtained.

(e) DUPLICATION OF PROGRAMS.—The Secretary shall not carry out any activity under this section that unnecessarily duplicates an activity carried out by another government agency or the private sector.

SEC. 306. TECHNOLOGY TRANSFER.

(a) EXCHANGE.—The Secretary shall foster the exchange of generic, nonproprietary information and technology developed pursuant to section 5 among industry, academia, and government agencies.

(b) ECONOMIC BENEFITS.—The Secretary shall ensure that economic benefits of the exchange of information and technology will accrue to the United States economy.

SEC. 307. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the Department's hydrogen research and development program.

(b) CONTENTS.—A report under subsection (a) shall include—

(1) an analysis of the effectiveness of the program, to be prepared and submitted by the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407); and

(2) recommendations of the Panel for any improvements in the program that are if needed, including recommendations for additional legislation.

SEC. 308. COORDINATION AND CONSULTATION.

(a) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department with the activities of other Federal agencies, including the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration, that are engaged in similar research and development; and

(2) pursue opportunities for cooperation with those Federal entities.

(b) CONSULTATION.—The Secretary shall consult with the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, development, and Demonstration Act of 1990 (42 U.S.C. 12407) as necessary in carrying out this Act.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $25,000,000 for fiscal year 1996;

(2) $35,000,000 for fiscal year 1997; and

(3) $40,000,000 for fiscal year 1998.

JOHNSTON AMENDMENT NO. 1096

(Ordered to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to the bill S. 395, supra; as follows:

Insert the following new title III:

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301.—This title may be referred to as the ''Outer Continental Shelf Deep Water Royalty Relief Act''.

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337(a)(3)), is amended by striking paragraph (3) in its entirety and inserting the following:

''(3)(A) The Secretary may, in order to—

''(i) promote development or increased production on producing or non-producing leases; or

''(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

''(B)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

''(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act, 5 U.S.C. Sec. 702, only for action filed within 30 days of the Secretary's determination or redetermination.

''(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

''(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

''(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

''(iv) For purposes of this subparagraph, the term 'new production' is—

''(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

''(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

''(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for Light Sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.''

SEC. 303. NEW LEASES—

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337(a)(1)) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I); and

(2) Add a new section 8(a)(1)(H) as follows:

''(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.''

SEC. 304. LEASE SALES.—For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this title within 180 days after the enactment of this Act.

BOXER AMENDMENTS NOS. 1097–1100

(Ordered to lie on the table.)

Mrs. BOXER submitted four amendments to the bill S. 395, supra; as follows:

AMENDMENT NO. 1097

On page 15, line 5, strike ''exported,'' and insert: ''exported, except that no crude oil from any oil exploration and development effort, or from any established oil well within the current borders of the Arctic National Wildlife Refuge shall be transported or delivered through the Trans-Alaska Pipeline System under any circumstances,''

AMENDMENT NO. 1098

On page 15, line 5, strike ''exported.'' and insert: ''exported, unless the President has determined that such export would not be consistent with the requirements of the National Environmental Policy Act of 1970.''

AMENDMENT NO. 1099

On page 15, line 5, strike ''exported.'' and insert: ''exported, except that in no case shall the total average daily volume of exports allowed under this section in any calendar year exceed the amount by which the total average daily volume of oil delivered through the Trans-Alaska Pipeline System during the preceding calendar year exceeded 1.35 million barrels per calendar year.''

AMENDMENT NO. 1100

On page 15 between lines 22 and 23, insert the following:

''(4) There shall be no exports of Alaskan North Slope oil until the Secretary of the Department of Interior certifies to the Congress full compliance by Alyeska Pipeline Service Company with the Trans-Alaska Pipeline right-of-way ageement. This certification shall also include a full accounting that all problems identified in the 1993 and subsequent audits conducted on behalf of the Bureau of Land Management, including but not limited to monitoring, compliance with applicable codes and standards, quality assurance and inspection program, electrical systems integrity, and other nonconforming items have been corrected. Another audit conducted by an independent accounting firm shall be required in 12 months following such certification and thereafter, audits shall be required every 5 years.''

JOHNSTON (AND OTHERS) AMENDMENT NO. 1101

Mr. JOHNSTON (for himself, Mr. MURKOWSKI, and Mr. BREAUX) proposed an amendment to the bill S. 395, supra; as follows:

At the appropriate place in the bill, insert the following as a new title III:

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301. This title may be referred to as the ''Outer Continental Shelf Deep Water Royalty Relief Act''.

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337 (a)(3)), is amended by striking paragraph (3) in its entirety and inserting the following:

''(3)(A) The Secretary may, in order to—

''(i) promote development or increased production on producing or non-producing leases; or

''(ii) encourage production of marginal resources on producing or non-producing leases;

through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

''(B)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

''(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400-800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act, 5 U.S.C. Sec. 702, only for actions filed within 30 days of the Secretary's determination or redetermination.

''(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

''(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

''(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

''(iv) For purposes of this subparagraph, the term 'new production' is—

''(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

''(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

''(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for Light Sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.''

SEC. 303. NEW LEASES—

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337(a)(1) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I); and

(2) Add a new section 8(a)(1)(H) as follows:

''(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.''

SEC. 304. LEASE SALES.—For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this tile within 180 days after the enactment of this Act.

MURKOWSKI AMENDMENT NO. 1102

Mr. MURKOWSKI proposed an amendment to the bill S. 395, supra; as follows:

Strike title I and insert in lieu thereof a new title I:

''TITLE I

''SEC. 101. SHORT TITLE.

''This title may be cited as the ''Alaska Power Administration Asset Sale and Termination Act''.

''SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

''(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as ''Snettisham'') to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

''(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as ''Eklutna'') to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as ''Eklutna Purchasers''), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Eklutna Purchasers.

''(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

''(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

''(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

''SEC. 103. EXEMPTION AND OTHER PROVISIONS.

''(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

''(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

''(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

''(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

''(2) An action seeking review of a Fish and Wildlife Program (''Program'') of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

''(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

''(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

''(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

''(A) at no cost to the Eklutna Purchasers;

''(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

''(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

''(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

''(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

''(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

''(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended).

''(e) Not later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

''(1) complete the business of, and close out, the Alaska Power Administration;

''(2) submit to Congress a report documenting the sales; and

''(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

''(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, that all Eklutna assets have been conveyed to the Eklutna Purchasers.

''(g) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, that all Snettisham assets have been conveyed to the State of Alaska.

''(h) As of the later of the two dates determined in subsection (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

''(1) in paragraph (1)—

''(A) by striking subparagraph (C); and

''(B) by redesignating subparagraphs (D), (E), and ''(F) as subparagraphs (C), (D), and (E) respectively; and

''(2) in paragraph (2) by striking out ''and the Alaska Power Administration'' and by inserting ''and'' after ''Southwestern Power Administration,''.

''(i) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

''(j) The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the ''Surplus Property Act of 1944'' (50 U.S.C. App. 1622).

''(k) The sales authorized in this title shall occur not later than 1 year after the date of enactment of legislation defining 'first use'' of Snettisham for purposes of section 147(d) of the Internal Revenue Code of 1986, to be considered to occur pursuant to acquisition of the property by or on behalf of the State of Alaska.''.

DASCHLE AMENDMENT NO. 1103

Mr. JOHNSTON (for Mr. DASCHLE) proposed an amendment to amendment No. 1102 proposed by Mr. MURKOWSKI the bill S. 395, supra; as follows:

At the end of the pending amendment insert the following:

SEC. . DECLARATION CONCERNING OTHER HYDROELECTRIC PROJECTS AND THE POWER MARKETING ADMINISTRATIONS.

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations in the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending support to any proposal to sell any other hydroelectric project or the power marketing administrations.

MURKOWSKI AMENDMENT NO. 1104

Mr. MURKOWSKI proposed an amendment to the bill S. 395, supra; as follows:

Strike the text of Title II and insert the following text:

''TITLE II

''SEC. 201. SHORT TITLE.

''This Title may be cited as ''Trans-Alaska Pipeline Amendment Act of 1995''.

''SEC. 202. TAPS ACT AMENDMENTS.

''Section 203 of the Act entitled the ''Trans-Alaska Pipeline Authorization Act,'' as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States; and

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of enactment of this subsection.

''The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

HATFIELD AMENDMENT NO. 1105

Mr. MURKOWSKI (for Mr. HATFIELD) proposed an amendment to amendment No. 1104 proposed by Mr. MURKOWSKI to the bill the bill S. 395, supra; as follows:

At the end of the amendment add the following new section:

SEC. 206. RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;
(2) $13,000,000 in fiscal year 1997;
(3) $10,000,000 in fiscal year 1998;
(4) $8,000,000 in fiscal year 1999;
(5) $6,000,000 in fiscal year 2000;
(6) $3,500,000 in fiscal year 2001; and
(7) $3,500,000 in fiscal year 2002.

MURRAY AMENDMENT NO. 1106

Mrs. MURRAY proposed an amendment to amendment No. 1106 proposed by Mr. MURKOWSKI to the bill S. 395, supra; as follows:

At the end of the pending amendment add the following new section:

Title VI of the Oil Pollution Act of 1990 (Pub. L. 101–380; 104 Stat. 554) is amended by adding at the end thereof the following new section:

''SEC. 6005. TOWING VESSEL REQUIRED.

(a) IN GENERAL.—In addition to the requirements for response plans for vessels established in section 311(j) of the Federal Water Pollution Control Act, as amended by this Act, a response plan for a vessel operating within the boundaries of the Olympic Coast National Marine Sanctuary or the strait of Juan de Fuca shall provide for a towing vessel to be able to provide assistance to such vessel within six hours or a request for assistance. The towing vessel shall be capable of—

(1) towing the vessel to which the response plan applies;

(2) initial firefighting and oilspill response efforts; and

(3) coordinating with other vessels and responsible authorities to coordinate oilspill response, firefighting; and marine salvage efforts.

''(b) EFFECTIVE DATE.—The Secretary of Transportation shall promulgate a final rule to implement this section by September 1, 1995.''.

MURRAY AMENDMENT NO. 1107

Mrs. MURRAY proposed an amendment to amendment No. 1106 proposed by Mr. MURKOWSKI to the bill S. 395, supra; as follows:

On page 2, insert after line 12, of the pending amendment the following:

(C) shall consider after consultation with the Attorney General and Secretary of Commerce whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels for independent refiners that would cause sustained material adverse employment effects in the United States.

On page 3, insert after line 12 after the word ''implementation;'': ''including any licensing requirements and conditions,''.

On page 4, line 2 after ''President'' insert ''who may take''.

On page 4, line 3 after ''modification'' insert ''or revocation''.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, May 18, 1995, at 9:30 a.m., to receive testimony on the Smithsonian Institution: Management Guidelines for the Future.

For further information concerning this hearing, please contract Christine Ciccone of the committee staff on 224–5647.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate that the hearing scheduled before the Subcommittee on Energy Production and Regulation will also include S. 801, a bill to extend the deadline under the Federal Power Act applicable to the construction of two hydroelectric projects in North Carolina, and for other purposes.

The hearing will be held on Thursday, May 18, 1995 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.