

drawdown the Strategic Petroleum Reserve and the ability of U.S. oil companies to participate in the International Energy Agreement without violating antitrust laws is preserved for another year.

As I stated at the markup, because of their importance to U.S. national energy security I believe these programs should not go unauthorized. At the same time, I believe requiring them to be reauthorized annually is appropriate as long as oil from the Reserve continues to be sold for budgetary purposes. It is my hope that when D-O-E completes its review of S-P-R policies we can work with the administration and the appropriators to develop a coherent and consistent policy regarding the future of the Reserve.

Finally, there are several conservation related programs contained in EPCA and which were discussed at the subcommittee hearing that are not included in the bill we are considering today. I intend to work with interested parties to reauthorize these programs in the near future.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CRAPO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Idaho [Mr. CRAPO] that the House suspend the rules and pass the bill, H.R. 2472.

The question was taken.

Mr. CRAPO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. UPTON). Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### GENERAL LEAVE

Mr. CRAPO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2472, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

#### EXTENSION OF DEADLINE FOR CONSTRUCTION OF FERC PROJECT IN THE STATE OF IOWA

Mr. CRAPO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2165) to extend the deadline under the Federal Power Act applicable to the construction of FERC Project No. 3862 in the State of Iowa, and for other purposes.

The Clerk read as follows:

H.R. 2165

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

#### SECTION 1. EXTENSION OF DEADLINE.

(a) PROJECT NUMBERED 3862.—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 3862, the Commission is authorized, 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, to extend the time required for commencement of construction of the project for not more than 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the expiration of the extension of the period required for commencement of construction that the Commission issued, prior to the date of enactment of this Act, under section 13 of the Federal Power Act (16 U.S.C. 806) for the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho [Mr. CRAPO] and the gentleman from Texas [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CRAPO asked and was given permission to revise and extend his remarks.)

Mr. CRAPO. Mr. Speaker, under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of a license. If construction has not begun by that time, the Federal Energy Regulatory Commission cannot extend the deadline and must terminate the license. H.R. 2165 provides for extension of the construction deadline of the LeClaire project, a 27-megawatt hydroelectric project in Iowa, if the sponsor pursues the commencement of construction in good faith and with due diligence.

These types of bills have not been controversial in the past, and this bill does not change the license requirements in any way, and does not change environmental standards. It merely extends the construction deadline. There is a need to act, since the construction deadline for the project expires in February 1998. If Congress does not act, FERC will terminate the license, the project sponsors will lose their investment in the project, and the community will lose the prospect of significant job creation and added revenues.

H.R. 2165 would extend the deadline for up to 6 years and reinstate the license if it expires before the enactment of the bill. Lack of a power purchase agreement is the main reason construction of projects may not commence in a timely manner. It is very difficult for a hydroelectric project sponsor to secure financing until they have a li-

cense, and once they have been granted a license the construction deadline begins to run. However, the onset of intense competition in the electric industry is driving utilities to lower their costs and avoid making long-term commitments.

Without a power purchase agreement a project generally cannot be financed. According to sponsors of the LeClaire project, construction has not commenced because of the lack of a power purchase agreement needed to obtain the financing. I should also note that the bill incorporates the views of the Federal Energy Regulatory Commission. The Subcommittee on Energy and Power solicited the views of FERC, and the agency does not oppose H.R. 2165.

I urge my colleagues to support H.R. 2165, and I reserve the balance of my time, Mr. Speaker.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 2165, which extends the license for a very important hydroelectric project. I commend the gentleman from Iowa [Mr. LEACH] for bringing the bill to the committee. This continues a bipartisan tradition of the Committee on Commerce under which noncontroversial pending hydro projects can receive an extension of time to permit their completion.

I think these projects are important to Members on both sides of the aisle, and I commend the gentleman from Virginia, Chairman BLILEY, and the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Idaho, Mr. CRAPO, for their leadership in moving these bills forward in a prompt and fair manner.

Mr. Speaker, I reserve the balance of my time.

Mr. CRAPO. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I would like to thank Mr. CRAPO for managing the bill today and Chairman DAN SCHAEFER and Ranking Member RALPH HALL of the Subcommittee on Energy and Power, as well as Chairman TOM BLILEY and Ranking Member JOHN DINGELL of the Committee on Commerce for bringing this legislation to the floor so expeditiously. I would also like to express my appreciation to the staff of the Commerce Committee, and particularly Joe Kelliher, for their work on the bill.

H.R. 2165 authorizes the Federal Energy Regulatory Commission [FERC] to extend the time required for commencement of construction of a hydroelectric project in my district for a maximum of three consecutive 2-year periods.

The project this legislation affects, FERC Project No. 3862, calls for the construction of a 27-megawatt hydropower facility on lock and dam 19 located on the Mississippi River adjacent to LeClaire, IA. Plans for deregulation of the power industry have temporarily halted the willingness of utilities to enter into long-term power purchase agreements. As a result, project coordinators do not anticipate being able to finalize power sales negotiations in time to meet the present February 28, 1998,

deadline for beginning construction on the project.

My understanding is that granting FERC the authority to extend the deadline for such projects has become a routine matter, and that FERC has indicated that it has no objection to the extension called for by H.R. 2165.

Granting the extension authorized by this legislation would help ensure a responsible review of the project's economic viability. It would also enable the environmental impact of the project to remain under review in order to help ensure that the project's impact on the ecology of the Mississippi River is benign.

Again, I would like to thank the members of the Commerce Committee and its staff for their support of H.R. 2165 and urge its support by my colleagues in the House.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CRAPO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho [Mr. CRAPO] that the House suspend the rules and pass the bill, H.R. 2165.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### GENERAL LEAVE

Mr. CRAPO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2165, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

#### COASTAL POLLUTION REDUCTION ACT OF 1997

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2207) to amend the Federal Water Pollution Control Act concerning a proposal to construct a deep ocean outfall off the coast of Mayaguez, Puerto Rico, as amended.

The Clerk read as follows:

H.R. 2207

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

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Pollution Reduction Act of 1997".

##### SEC. 2. MAYAGUEZ, PUERTO RICO.

(a) FINDINGS.—Congress makes the following findings:

(1) The existing discharge from the Mayaguez publicly owned treatment works is to the stressed waters of Mayaguez Bay, an area containing severely degraded coral

reefs, and relocation of that discharge to unstressed ocean waters could benefit the marine environment.

(2) The Federal Water Pollution Control Act should, consistent with the environmental goals of the Act, be administered with sufficient flexibility to take into consideration the unique characteristics of Mayaguez, Puerto Rico.

(3) Some deep ocean areas off the coastline of Mayaguez, Puerto Rico, might be able to receive a less-than-secondary sewage discharge while still maintaining healthy and diverse marine life.

(4) A properly designed and operated deep ocean outfall off the coast of Mayaguez, Puerto Rico, coupled with other pollution reduction activities in the Mayaguez Watershed could facilitate compliance with the requirements and purposes of the Federal Water Pollution Control Act without the need for more costly treatment.

(5) The owner or operator of the Mayaguez publicly owned treatment works should be afforded an opportunity to make the necessary scientific studies and submit an application proposing use of a deep ocean outfall for review by the Administrator of the Environmental Protection Agency under section 301(h) of the Federal Water Pollution Control Act.

(b) APPLICATION FOR SECONDARY TREATMENT WAIVER FOR MAYAGUEZ, PUERTO RICO, DEEP OCEAN OUTFALL.—Section 301 of the Federal Water Pollution Control Act (33 U.S.C. 1311) is amended by adding at the end the following:

“(g) APPLICATION FOR WAIVER.—

“(1) STUDY.—In order to be eligible to apply for a waiver under this section, the owner or operator of the Mayaguez, Puerto Rico, publicly owned treatment works shall transmit to the Administrator a report on the results of a study of the marine environment of coastal areas in the Mayaguez area to determine the feasibility of constructing a deep ocean outfall for the Mayaguez treatment works. In conducting the study, the owner or operator shall consider variations in the currents, tidal movement, and other hydrological and geological characteristics at any proposed outfall location. Such study may recommend one or more technically feasible and environmentally acceptable locations for a deep ocean outfall intended to meet the requirements of subsection (h). Such study may be initiated, expanded, or continued not later than 3 months after the date of the enactment of this subsection.

“(2) SECTION 301(h) APPLICATION FOR MAYAGUEZ, PUERTO RICO.—Notwithstanding subsection (j)(1)(A), not later than 18 months after the date of the enactment of this subsection, an application may be submitted for a modification pursuant to subsection (h) of the requirements of subsection (b)(1)(B) by the owner or operator of the Mayaguez, Puerto Rico, publicly owned treatment works at a location recommended in a study conducted pursuant to paragraph (1). Such application shall not be subject to the application revision procedures of section 125.59(d) of title 40, Code of Federal Regulations. No such application may be filed unless and until the applicant has entered into a binding consent decree with the United States that includes, at a minimum, the following:

“(A) A schedule and milestones to ensure expeditious compliance with the requirements of subsection (b)(1)(B) in the event the requested modification is denied, including interim effluent limits and design activities to be undertaken while the application is pending.

“(B) A schedule and interim milestones to ensure expeditious compliance with the requirements of any modification of subsection

(b)(1)(B) in the event the requested modification is approved.

“(C) A commitment by the applicant to contribute not less than \$400,000 to the Mayaguez Watershed Initiative in accordance with such schedules as may be specified in the consent decree.

“(3) INITIAL DETERMINATION.—On or before the 270th day after the date of submittal of an application under paragraph (2) that has been deemed complete by the Administrator, the Administrator shall issue to the applicant a tentative determination regarding the requested modification.

“(4) FINAL DETERMINATION.—On or before the 270th day after the date of issuance of the tentative determination under paragraph (3), the Administrator shall issue a final determination regarding the modification.

“(5) ADDITIONAL CONDITION.—The Administrator may not grant a modification pursuant to an application submitted under this subsection unless the Administrator determines that the new deep water ocean outfall will use a well-designed and operated diffuser that discharges into unstressed ocean waters and is situated so as to avoid discharge (or transport of discharged pollutants) to coral reefs, other sensitive marine resources or recreational areas, and shorelines.

“(6) EFFECTIVENESS.—If a modification is granted pursuant to an application submitted under this subsection, such modification shall be effective only if the new deepwater ocean outfall is operational on or before the date that is 4½ years after the date of the Administrator's initial tentative determination on the application.”

##### SEC. 3. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting “and implementation” after “development”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of such Act (33 U.S.C. 1330(i)) is amended by striking “1987” and all that follows through “1991” and inserting the following: “1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1997, and \$20,000,000 for fiscal year 1998”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. BOEHLERT] and the gentleman from Pennsylvania [Mr. BORSKI] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill would amend the Clean Water Act to allow a community in Puerto Rico to apply to EPA for an alternative to secondary treatment requirements. Any alternative approved by EPA would be, and this is important, would be subject to requirements and conditions necessary to assure the adequate protection of coastal resources. Mr. Speaker, this bill could help save the community up to \$65 million by avoiding the construction of more costly facilities while including appropriate environmental safeguards.

Another provision in the bill, added in committee, modifies the Clean Water Act's national estuary program. The bill allows the use of Federal funds for implementation, as opposed to just development, of comprehensive conservation and management plans. This is a widely supported approach to protecting America's estuaries.