

section 3(a) shall be retroactive to June 13, 1991.

“(b) NO FURTHER REVIEW.—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

“SEC. 6. GENERAL AUTHORITY.

“Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2331), as amended, was read the third time and passed, as follows:

S. 2331

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

SECTION. 1. ARBITRATION REQUIREMENT.

The Secretary of the Interior (in this Act referred to as the “Secretary”) shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the “Concessioner”), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986 by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as “the Contract”).

SEC. 2. APPOINTMENT OF THE ARBITRATOR.

(a) **MUTUAL AGREEMENT.**—Not later than 30 days after the date of enactment of this Act, the Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.

(b) **FAILURE TO AGREE.**—If the Secretary and the Concessioner are unable to agree on the selection of a single arbitrator within 30 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.

(c) **QUALIFICATIONS.**—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of section 573 of title 5, United States Code.

(d) **PAYMENT OF EXPENSES.**—The Secretary and the Concessioner shall share equally the expenses of the arbitration.

(e) **DEFINITION.**—As used in this Act, the term “arbitrator” includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under subsection (b).

SEC. 3. SCOPE OF THE ARBITRATION.

(a) **SOLE ISSUES TO BE DECIDED.**—The arbitrator shall, after affording the parties an opportunity to be heard in accordance with section 579 of title 5, United States Code, determine—

(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991 through December 31, 2000 in accordance with the terms of the Contract; and

(2) any interest or penalties on the amount owed under paragraph (1).

(b) **DE NOVO DECISION.**—The arbitrator shall not be bound by any prior determination of the appropriate amount of the fee by the Secretary or any prior court review thereof.

(c) **BASIS FOR DECISION.**—The arbitrator shall determine the appropriate amount of

the fee based upon the law in effect on the effective date of the Contract and the terms of the Contract.

SEC. 4. FINAL DECISION.

The arbitrator shall issue a final decision not later than 300 days after the date of enactment of this Act.

SEC. 5. EFFECT OF DECISION.

(a) **RETROACTIVE EFFECT.**—The amount of the fee determined by the arbitrator under section 3(a) shall be retroactive to June 13, 1991.

(b) **NO FURTHER REVIEW.**—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

SEC. 6. GENERAL AUTHORITY.

Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.

The title was amended so as to read: “A bill to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc. to binding arbitration.”.

MAKING TECHNICAL CORRECTIONS TO ENERGY POLICY ACT OF 1992

DAYTON AVIATION HERITAGE PRESERVATION AMENDMENTS ACT OF 2000

Mr. MACK. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following items which are at the desk: H.R. 2641 and H.R. 5036.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 2641) to make technical corrections to title X of the Energy Policy Act of 1992.

A bill (H.R. 5036) to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

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

Mr. MACK. Mr. President, I ask unanimous consent that the bills be read the third time, passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The bills (H.R. 2641 and H.R. 5036) were read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—S. 1236 AND S. 1849

Mr. MACK. Mr. President, I ask unanimous consent that it be in order for the Chair to lay before the Senate, en bloc, messages from the House on S. 1236 and S. 1849, that the Senate concur, en bloc, to the House amendment, and that the action be reconsidered and tabled.

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

ARROWROCK DAM HYDROELECTRIC PROJECT

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1236) entitled “An Act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) *IN GENERAL.*—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for three consecutive 2-year periods.

(b) *EFFECTIVE DATE.*—Subsection (a) shall take effect on the date of the expiration of the extension issued by the Commission prior to the date of the enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) *REINSTATEMENT OF EXPIRED LICENSE.*—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

The Senate concurred in the amendment of the House.

WHITE CLAY CREEK WILD AND SCENIC RIVERS SYSTEM ACT

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1849) entitled “An Act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “White Clay Creek Wild and Scenic Rivers System Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102-215 (105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(2) as a part of the study described in paragraph (1), the White Clay Creek Wild and Scenic Study Task Force and the National Park Service prepared a watershed management plan for the study area entitled “White Clay Creek and Its Tributaries Watershed Management Plan”, dated May 1998, that establishes goals and actions to ensure the long-term protection of the outstanding values of, and compatible

management of land and water resources associated with, the watershed; and

(3) after completion of the study described in paragraph (1), Chester County, Pennsylvania, New Castle County, Delaware, Newark, Delaware, and 12 Pennsylvania municipalities located within the watershed boundaries passed resolutions that—

(A) expressed support for the White Clay Creek Watershed Management Plan;

(B) expressed agreement to take action to implement the goals of the Plan; and

(C) endorsed the designation of the White Clay Creek and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System.

SEC. 3. DESIGNATION OF WHITE CLAY CREEK.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(162) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—The 190 miles of river segments of White Clay Creek (including tributaries of White Clay Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania, as depicted on the recommended designation and classification maps (dated June 2000), to be administered by the Secretary of the Interior, as follows:

“(A) 30.8 miles of the east branch, including Trout Run, beginning at the headwaters within West Marlborough township downstream to a point that is 500 feet north of the Borough of Avondale wastewater treatment facility, as a recreational river.

“(B) 15.0 miles of the east branch beginning at the southern boundary line of the Borough of Avondale to a point where the East Branch enters New Garden Township at the Franklin Township boundary line, including Walnut Run and Broad Run outside the boundaries of the White Clay Creek Preserve, as a recreational river.

“(C) 4.0 miles of the east branch that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania, beginning at the northern boundary line of London Britain township and downstream to the confluence of the middle and east branches, as a scenic river.

“(D) 6.8 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to a point that is 500 feet north of the Borough of West Grove wastewater treatment facility, as a recreational river.

“(E) 14 miles of the middle branch, beginning at a point that is 500 feet south of the Borough of West Grove wastewater treatment facility downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

“(F) 2.1 miles of the middle branch that flow within the boundaries of the White Clay Creek Preserve in London Britain township, as a scenic river.

“(G) 17.2 miles of the west branch, beginning at the headwaters within Penn township downstream to the confluence with the middle branch, as a recreational river.

“(H) 12.7 miles of the main stem, excluding Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware, beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary line of the city of Newark, Delaware, as a scenic river.

“(I) 5.4 miles of the main stem (including all second order tributaries outside the boundaries of the White Clay Creek Preserve and White Clay Creek State Park), beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary of the city of Newark, Delaware, as a recreational river.

“(J) 16.8 miles of the main stem beginning at Paper Mill Road downstream to the Old Route 4 bridge, as a recreational river.

“(K) 4.4 miles of the main stem beginning at the southern boundary of the property of the corporation known as United Water Delaware downstream to the confluence of White Clay Creek with the Christina River, as a recreational river.

“(L) 1.3 miles of Middle Run outside the boundaries of the Middle Run Natural Area, as a recreational river.

“(M) 5.2 miles of Middle Run that flow within the boundaries of the Middle Run Natural Area, as a scenic river.

“(N) 15.6 miles of Pike Creek, as a recreational river.

“(O) 38.7 miles of Mill Creek, as a recreational river.”

SEC. 4. BOUNDARIES.

With respect to each of the segments of White Clay Creek and its tributaries designated by the amendment made by section 3, in lieu of the boundaries provided for in section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundaries of the segment shall be 250 feet as measured from the ordinary high water mark on both sides of the segment.

SEC. 5. ADMINISTRATION.

(a) BY SECRETARY OF THE INTERIOR.—The segments designated by the amendment made by section 3 shall be administered by the Secretary of the Interior (referred to in this Act as the “Secretary”), in cooperation with the White Clay Creek Watershed Management Committee as provided for in the plan prepared by the White Clay Creek Wild and Scenic Study Task Force and the National Park Service, entitled “White Clay Creek and Its Tributaries Watershed Management Plan” and dated May 1998 (referred to in this Act as the “Management Plan”).

(b) REQUIREMENT FOR COMPREHENSIVE MANAGEMENT PLAN.—The Management Plan shall be considered to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the segments designated by the amendment made by section 3, the Secretary shall offer to enter into a cooperative agreement pursuant to sections 10(c) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the White Clay Creek Watershed Management Committee as provided for in the Management Plan.

SEC. 6. FEDERAL ROLE IN MANAGEMENT.

(a) IN GENERAL.—The Director of the National Park Service (or a designee) shall represent the Secretary in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, including the review, required under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed federally-assisted water resources projects that could have a direct and adverse effect on the values for which the segment is designated.

(b) ASSISTANCE.—To assist in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, the Secretary may provide technical assistance, staff support, and funding at a cost to the Federal Government in an amount, in the aggregate, of not to exceed \$150,000 for each fiscal year.

(c) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by the amendment made by section 3—

(1) shall be consistent with the Management Plan; and

(2) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(d) NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by section 3 that is not in the National Park System as of the date of the enactment of this Act shall not, under this Act—

(1) be considered a part of the National Park System;

(2) be managed by the National Park Service; or

(3) be subject to laws (including regulations) that govern the National Park System.

SEC. 7. STATE REQUIREMENTS.

State and local zoning laws and ordinances, as in effect on the date of the enactment of this Act, shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) with respect to the segment designated by the amendment made by section 3.

SEC. 8. NO LAND ACQUISITION.

The Federal Government shall not acquire, by any means, any right or title in or to land, any easement, or any other interest along the segments designated by the amendment made by section 3 for the purpose of carrying out the amendment or this Act.

The Senate concurred in the amendment of the House.

THE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Energy Committee be discharged from the following bills and resolutions and, further, the Senate now proceed to their consideration en bloc: H.R. 1509, H.R. 2778, H.R. 3676, H.R. 3817, S. 2273 with amendment No. 4297, and S. Res. 326.

I ask unanimous consent that the amendment No. 4297 be agreed to, the bills be considered read the third time and passed, the resolution and preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of the bills or resolutions be printed in the RECORD, with the above occurring en bloc.

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

DISABLED VETERANS' LIFE MEMORIAL FOUNDATION

The bill (H.R. 1509) to authorize the Disabled Veterans' Life Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States, was considered, ordered to a third reading, read the third time, and passed.

DESIGNATING THE TAUNTON RIVER FOR POTENTIAL ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM

The bill (H.R. 2778) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.