

Senate will agree to pass the bill in the form passed by the House two weeks ago, so we can send it to the President for signature and get going on this important research program. Thanks to the leadership of Senators AKAKA and CRAIG, we may look back years from now on this day as the day we broke free of our dependence on foreign oil and guaranteed ourselves a clean energy source for many years to come.

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate agree to the amendment of the House to the Senate amendment.

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

### THE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration en bloc of the following Energy Committee matters:

S. 1705, Calendar 492;  
S. 1727, Calendar 493;  
S. 1836, Calendar 495;  
S. 1849, Calendar 496;  
S. 1910, Calendar 498;  
H.R. 1615, Calendar 499;  
H.R. 3063, Calendar 500;  
S. 1778, Calendar 508.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that any committee amendments, where applicable, be agreed to, with the exception of S. 1727, which should be withdrawn, and a substitute amendment to S. 1727, which is at the desk, be agreed to, the bills be read three times and passed, as amended, if amended, any title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements related to any of these bills be printed in the RECORD, with the above occurring en bloc.

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

### CASTLE ROCK RANCH ACQUISITION ACT OF 1999

The Senate proceeded to consider the bill (S. 1705) to direct the Secretary of the Interior to enter into land exchange to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

The bill (S. 1705), was passed, as follows:

*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 "Castle Rock Ranch Acquisition Act of 1999".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **MONUMENT.**—The term "Monument" means the Hagerman Fossil Beds National Monument, Idaho, depicted on the National Park Service map numbered 300/80,000, C.O. No. 161, and dated January 7, 1998.

(2) **RANCH.**—The term "Ranch" means the land comprising approximately 1,240 acres

situated outside the boundary of the Reserve, known as the "Castle Rock Ranch".

(3) **RESERVE.**—The term "Reserve" means the City of Rocks National Reserve, located near Almo, Idaho, depicted on the National Park Service map numbered 003/80,018, C.O. No. 169, and dated March 25, 1999.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

#### SEC. 3. ACQUISITION OF CASTLE ROCK RANCH.

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary shall acquire, by donation or by purchase with donated or appropriated funds, the Ranch.

(b) **CONSENT OF LANDOWNER.**—The Secretary shall acquire land under subsection (a) only with the consent of the owner of the land.

#### SEC. 4. LAND EXCHANGE.

(a) **IN GENERAL.**—

(1) **FEDERAL AND STATE EXCHANGE.**—Subject to subsection (b), on completion of the acquisition under section 3(a), the Secretary shall convey the Ranch to the State of Idaho in exchange for approximately 492.87 acres of land near Hagerman, Idaho, located within the boundary of the Monument.

(2) **STATE AND PRIVATE LANDOWNER EXCHANGE.**—On completion of the exchange under paragraph (1), the State of Idaho may exchange portions of the Ranch for private land within the boundaries of the Reserve, with the consent of the owners of the private land.

(b) **CONDITION OF EXCHANGE.**—As a condition of the land exchange under subsection (a)(1), the State of Idaho shall administer all private land acquired within the Reserve through an exchange under this Act in accordance with title II of the Arizona-Idaho Conservation Act of 1988 (16 U.S.C. 460yy et seq.).

(c) **ADMINISTRATION.**—State land acquired by the United States in the land exchange under subsection (a)(1) shall be administered by the Secretary as part of the Monument.

(d) **NO EXPANSION OF RESERVE.**—Acquisition of the Ranch by a Federal or State agency shall not constitute any expansion of the Reserve.

(e) **NO EFFECT ON EASEMENTS.**—Nothing in this Act affects any easement in existence on the date of enactment of this Act.

### PALACE OF THE GOVERNORS EXPANSION ACT

The Senate proceeded to consider the bill (S. 1727) to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1727

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

#### SECTION 1. SHORT TITLE.

(a) **SHORT TITLE.**—This act may be cited as "Palace of the Governors Expansion Act".

#### SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS EXPANSION.

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

(1) The United States has an enriched legacy of Hispanic influence in politics, govern-

ment, economic development and cultural expression.

(2) The Palace of the Governors has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610.

(3) The Palace of the Governors is the oldest continuously occupied public building in [the] the contiguous United States and has been occupied for 390 years.

(4) Since its creation the Museum of New Mexico has worked to protect and promote Southwest, Hispanic and Native American arts and crafts.

(5) The Palace of the Governors is the history division of the Museum of New Mexico and was once proposed by Teddy Roosevelt to be part of the Smithsonian Museum and known as the "Smithsonian West."

(6) The Museum has a extensive and priceless collection of:

(A) Spanish Colonial and Iberian Colonial paintings including the Sagesser Hyde paintings on buffalo hide dating back to 1706.

(B) Pre-Columbian Art.

(C) Historic artifacts including:

(i) Helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(ii) The Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico.

[(iii) The Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began. It marks the beginning of the last invasion of the continental United States.]

[(iv)] (iii) The field desk of Brigadier General Stephen Watts Kearny who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California.

[(v)] (iv) More than 800,000 other historic photographs, guns, costumes, maps, books and handicrafts.

(7) The Palace of the Governors and the Sagesser Hyde paintings were designated National Treasures by the National Trust for Historic Preservation.

(8) The facilities both for exhibiting and storage of this irreplaceable collection are so totally inadequate and dangerously unsuitable that there existence is endangered and their preservation is in jeopardy.

(b) **DEFINITIONS.**—In this section:

(1) **ANNEX.**—The term "Annex" means the Palace of the Governors, Museum of New Mexico addition to be located directly behind the historic Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of Interior.

(c) **CONSTRUCTION OF THE ANNEX.**—Subject to the availability of appropriations, the Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the final design, construction, furnishing and equipping of the Palace of the Governors Expansion Annex that will be located directly behind the historic Palace of the Governors at 110 Lincoln Avenue, Santa Fe, New Mexico.

(d) **GRANT REQUIREMENTS.**—

(1) **IN GENERAL.**—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Office of Cultural Affairs—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the architectural blueprints

for the Palace of the Governors Expansion Annex.

(B) shall exercise due diligence to obtain an appropriation from the New Mexico State Legislature for at least \$8 million.

(C) shall exercise due diligence to expeditiously execute a memorandum of understanding recognizing that time is of the essence for the construction for the Annex because 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Annex.

(B) that Office of Cultural Affairs shall award the contract for construction of the Annex in accordance with the New Mexico Procurement Code; and

(C) that the contract for the construction of the Annex shall be awarded pursuant to a competitive bidding process.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in section (c) shall be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, land acquisition, library acquisition, library renovation, Palace of the Governors conservation, and construction, furnishing, equipping of the Annex, or donations of art collections to the Museum of New Mexico prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) Cost of the land at 110 Lincoln Avenue, Santa Fe, New Mexico.

(B) Library acquisition expenditures.

(C) Library renovation expenditures.

(D) Palace conservation expenditures.

(E) New Mexico Foundation and other endowment funds.

(F) Donations of art collections or other artifacts.

(e) USE OF FUNDS FOR CONSTRUCTION.—FURNISHING AND EQUIPMENT.—Subject to funds being appropriated, the funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to funds being appropriated, there is authorized to be appropriated to the Secretary to carry out this section a total of \$15,000,000 for fiscal year 2001 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended but are conditioned upon the New Mexico State legislature appropriating at least \$8 million between date of enactment and 2010 and other non-federal sources providing enough funds, when combined with the New Mexico State legislature appropriations, to make this federal grant based on a fifty-fifty match.

The amendment (No. 3099) was agreed to, as follows:

#### AMENDMENT NO. 3099

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Palace of the Governors Annex Act”.

#### SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term “Annex” means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term “Office” means the State Office of Cultural Affairs.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section \$15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least \$8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

The bill (S. 1727), as amended, was passed, as follows:

S. 1727

*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 “Palace of the Governors Annex Act”.

#### SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term "Annex" means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term "Office" means the State Office of Cultural Affairs.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section \$15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least \$8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

Mr. DOMENICI. Mr. President, I am pleased that the Palace of the Governors Annex Act has passed the Senate.

In conjunction with Hispanic Heritage Month, I introduced the Palace of the Governors Expansion Act last October. The palace is a symbol of Hispanic influence in the United States and truly shows the coming together of many cultures in the New World—the various native American, Hispanic, and

Anglo peoples who have lived in the region for over four centuries.

Since introducing this bill last October, the situation has become an emergency. Walls are crumbling, water pipes are leaking, plumbing is backing up threatening priceless documents.

The bill would authorize the construction of the Palace of the Governors' Annex. It would preserve a priceless collection of Spanish colonial, Iberian colonial paintings, artifacts, maps, books, guns, costumes, photographs. The collection includes such historically unique items as the helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July 1598. It includes the Vara Stick, a type of yardstick used to measure land grants and other real property boundaries in Dona Ana County, NM.

We have all heard of Geronimo. The collection includes a rifle dropped by one of his men during a raid in the Black Range area of western New Mexico.

We have all heard of Pancho Villa. His activities in the Southwest come alive when viewing some of the artifacts included in the Palace of the Governors Collection. The Columbus, NM, railway station clock was shot in the pendulum, freezing for all history the moment that Pancho Villa's raid and invasion began. It is part of the collection, but you wouldn't know it because there is no room to display it.

Brig. Gen. Stephen Watts Kearny was posted to New Mexico during the Mexican War. He commanded the Army of the West as they traveled from the Santa Fe Trail to occupy the territories of New Mexico and California. As Kearny traveled, he carried a field desk which he used to write letters, diaries, orders, and other historical documents. It is part of the collection, but you can't see it because there is no display space for it in the Palace of the Governors.

Many of us have read books by D.H. Lawrence, but none of us has seen the note from his mother that is part of the collection.

There are more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts.

Where are these treasures that Teddy Roosevelt wanted to make part of the Smithsonian housed now?

Where is this collection designated as a National Treasure by the National Trust for Historic Preservation kept?

In the basement of a 400-year-old building.

It is a national travesty.

This legislation would right this wrong by authorizing funds for a Palace of the Governors Expansion Annex. The entire project will cost \$32 million. The legislation authorizes a \$15 million federal grant if the museum can match the grant on a 50-50 basis.

The Palace of the Governors has acquired a half block behind the current palace. Obtaining this valuable real estate is evidence of the ingenuity and

commitment of those involved in preserving the collection. Real estate near Santa Fe's plaza is seldom for sale at any price, much less an affordable price.

The Palace of the Governors has been the center of administrative and cultural activity over a vast region in the Southwest since its construction as New Mexico's second capitol by Governor Pedro de Peralta in 1610. The building is the oldest continuously occupied public building in the United States. Since its creation, the Museum of New Mexico has worked to protect and promote Hispanic, Southwest, and native American arts and crafts.

I hope the House will act expeditiously on this legislation to save this important collection.

#### DEADLINE EXTENSION FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT

The Senate proceeded to consider the bill (S. 1836) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1836

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

#### SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(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 7115, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend for 3 consecutive 2-year periods, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described 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 projects for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of expiration of the license.

#### WHITE CLAY CREEK WILD AND SCENIC RIVERS SYSTEM ACT

The Senate proceeded to consider the bill (S. 1849) to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the Wild and Scenic Rivers System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### 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 Study 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:

"(161) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—

"(A) SEGMENTS.—The 191 miles of river segments of White Clay Creek (including tributaries of the Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania (referred to in this paragraph as the 'Creek'), as depicted on the recommended designation and classification maps, as follows:

"(i) 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.

"(ii) 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.

"(iii) 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.

"(iv) 20.9 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

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

"(vi) 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.

"(vii) 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.

"(viii) 27.5 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 confluence of the White Clay Creek with the Christina River, as a recreational river.

"(ix) 1.4 miles of Middle Run outside the boundaries of the Middle Run Natural Area, as a recreational river.

"(x) 5.2 miles of Middle Run that flows within the boundaries of the Middle Run Natural Area, as a recreational river.

"(xi) 15.6 miles of Pike Creek, as a recreational river.

"(xii) 38.7 miles of Mill Creek, as a recreational river.

"(B) BOUNDARIES.—

"(i) IN GENERAL.—Except as provided in clause (ii), in lieu of the boundaries provided for in subsection (b), the boundaries of the segments shall be the greater of—

"(I) the 500-year floodplain; or

"(II) 250 feet as measured from the ordinary high water mark on both sides of the segment.

"(ii) EXCEPTIONS.—The boundary limitations described in clause (i) are inapplicable to—

"(I) the areas described in section 4(a) of the White Clay Creek Wild and Scenic Rivers Act; and

"(II) the properties, as generally depicted on the map entitled "White Clay Creek Wild and Scenic River Study Area Recommended Designated Area", dated June 1999, on which are located the surface water intakes and water treatment and wastewater treatment facilities of—

"(aa) the City of Newark, Delaware;

"(bb) the corporation known as United Water Delaware; and

"(cc) the Borough of West Grove, Pennsylvania.

"(C) ADMINISTRATION.—

"(i) IN GENERAL.—The segments designated by subparagraph (A) shall be administered by the Secretary of the Interior, 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 and Its Tributaries Watershed Management Plan" and dated May 1998."

#### SEC. 4. SUBSEQUENT DESIGNATIONS.

(a) IN GENERAL.—Churchman's Marsh, Lamborn Run, and the properties on which the intake structures and pipelines for the proposed Thompson's Station Reservoir may be located shall be considered suitable for designation as components of the National Wild and Scenic Rivers System only at such time as those areas are removed from consideration as locations for the reservoir under the comprehensive plan of the Delaware River Basin Commission.

(b) ASSISTANCE FOR SUBSEQUENT DESIGNATIONS.—The Secretary of the Interior (hereinafter referred to as the "Secretary") shall offer assistance to the State of Delaware and New Castle County, Delaware, if an area described in subsection (a) is designated a component of the National Wild and Scenic Rivers System.

#### SEC. 5. MANAGEMENT.

(a) IN GENERAL.—In order to provide for the long-term protection, preservation, and