

civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101-337 (16 U.S.C. 191j et seq.) or any other applicable law if—

- (1) the Corporation—
 - (A) violates a provision of—
 - (i) an easement authorized under subsection (a); or
 - (ii) a permit issued under subsection (c); or
 - (B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(3); and
- (2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101-337 (16 U.S.C. 191j)).

SEC. 4. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking “2006” and inserting “2008”.

Amend the title so as to read: “A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area and to extend the termination date of the National Park System Advisory Board to January 1, 2008.”.

The amendments (Nos. 2683 and 2684) were agreed to, as follows:

AMENDMENT NO. 2683

(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 “Delaware Water Gap National Recreation Area Improvement Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **CORPORATION.**—The term “Corporation” means the Columbia Gas Transmission Corporation.

(2) **PIPELINE.**—The term “pipeline” means that portion of the pipeline of the Corporation numbered 1278 that is—

- (A) located in the Recreation Area; and
- (B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. 16413.

(3) **RECREATION AREA.**—The term “Recreation Area” means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

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

(5) **SUPERINTENDENT.**—The term “Superintendent” means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) **IN GENERAL.**—The Secretary may enter into an agreement with the Corporation to grant to the Corporation an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) **TERMS AND CONDITIONS.**—The easement authorized under subsection (a) shall—

- (1) be consistent with—
 - (A) the recreational values of the Recreation Area; and
 - (B) protection of the resources of the Recreation Area;
- (2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;
- (3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and
- (4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) **PERMITS.**—

(1) **IN GENERAL.**—The Superintendent may issue a permit to the Corporation for the use of the Recreation Area in accordance with subsection (b) for the temporary construction and staging areas required for the construction of the enlarged pipeline.

(2) **PRIOR TO ISSUANCE.**—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

- (A) consult with the Superintendent;
- (B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and
- (C) submit to the Superintendent for approval a restoration and mitigation plan that—

- (i) describes how the land subject to the easement will be maintained; and
- (ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) **PIPELINE REPLACEMENT REQUIREMENTS.**—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1-2002-1004-H).

(e) **FERC CONSULTATION.**—The Corporation shall comply with all other requirements for certification by the Federal Energy Regulatory Commission that are necessary to permit the increase in pipeline size.

(f) **LIMITATION.**—The Secretary shall not grant any additional increases in the diameter of, or easements for, the pipeline within the boundary of the Recreation Area after the date of enactment of this Act.

(g) **EFFECT ON RIGHT-OF-WAY EASEMENT.**—Nothing in this Act increases the 50-foot right-of-way easement for the pipeline.

(h) **PENALTIES.**—On request of the Secretary, the Attorney General may bring a civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101-337 (16 U.S.C. 191j et seq.) or any other applicable law if—

- (1) the Corporation—
 - (A) violates a provision of—
 - (i) an easement authorized under subsection (a); or
 - (ii) a permit issued under subsection (c); or
 - (B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(2)(C); and
- (2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101-337 (16 U.S.C. 191j)).

SEC. 4. USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP.

Section 702 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4185) is amended—

- (1) in subsection (a), by striking “at noon on September 30, 2005” and inserting “on the earlier of the date on which a feasible alternative is available or noon of September 30, 2015”; and
- (2) in subsection (c)—

- (A) in paragraph (1), by striking “September 30, 2005” and inserting “on the earlier of the date on which a feasible alternative is available or September 30, 2015”; and
- (B) in paragraph (2)—

- (i) by striking “noon on September 30, 2005” and inserting “the earlier of the date

on which a feasible alternative is available or noon of September 30, 2015”; and

- (ii) by striking “not exceed \$25 per trip” and inserting the following: “be established at a rate that would cover the cost of collection of the commercial use fee, but not to exceed \$40 per trip”.

SEC. 5. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Effective on January 1, 2006, section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking “2006” and inserting “2007”.

AMENDMENT NO. 2684

Amend the title so as to read: “A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.”.

The bill (S. 1310), as amended, was read the third time and passed.

AMENDING PUBLIC LAW 97-435

The bill (S. 1552) to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, was read the third time, and passed, as follows:

S. 1552

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

SECTION 1. EASTERN WASHINGTON UNIVERSITY LAND TRANSFER AUTHORIZATION EXTENSION.

Section 1(c) of Public Law 97-435 (96 Stat. 2281) is amended by striking “five years after the enactment of this Act” and inserting “on December 31, 2009”.

UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY PROGRAMS REAUTHORIZATION ACT OF 2005

The bill (S. 1578) to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs, was read the third time and passed, as follows:

S. 1578

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 “Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005”.

SEC. 2. UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS.

Section 3 of Public Law 106-392 (114 Stat. 1602; 116 Stat. 3113) is amended—

- (1) in subsection (a)—
 - (A) in paragraph (1), by striking “\$46,000,000” and inserting “\$61,000,000”;
 - (B) in paragraph (2), by striking “2008” and inserting “2010”; and
 - (C) in paragraph (3), by striking “2008” and inserting “2010”;

(2) in subsection (b)—
 (A) by striking “\$100,000,000” and inserting “\$126,000,000”;
 (B) in paragraph (1)—
 (i) by striking “\$82,000,000” and inserting “\$108,000,000”; and
 (ii) by striking “2008” and inserting “2010”; and
 (C) in paragraph (2), by striking “2008” and inserting “2010”; and
 (3) in subsection (c)(4)—
 (A) in the first sentence, by inserting “and the Elkhead Reservoir enlargement” after “Wolford Mountain Reservoir”; and
 (B) in the second sentence, by striking “\$20,000,000” and inserting “\$31,000,000”.

SOUTHERN OREGON BUREAU OF RECLAMATION REPAYMENT ACT OF 2005

The bill (H.R. 4195) to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District, was considered, ordered to a third reading, read the third time, and passed.

AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to H.R. 3963, just received from the House and at the desk.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3963) to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3963) was read the third time and passed.

COAST GUARD HURRICANE RELIEF ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4508, which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 4508) to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be

read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4508) was read the third time and passed.

Mr. FRIST. Mr. President, that particular bill, the Coast Guard Hurricane Relief Act of 2005, again gives me the opportunity to comment and really praise the tremendous work that was carried out by our Coast Guard in the recent hurricanes.

Many of us had the opportunity to tell them directly, both in Mississippi and in Louisiana, and thank them for their tremendous and heroic effort. We had the opportunity to witness much of that on television over those first few days after the hurricane. But to have the opportunity to look these individuals in the eyes and thank them and shake their hand has been a privilege that some of us on the floor have had. It has been a tremendous job that makes America proud.

RECOGNIZING COMMODORE JOHN BARRY AS THE FIRST FLAG OFFICER OF THE UNITED STATES NAVY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 38, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 38) recognizing Commodore John Barry as the first flag officer of the United States Navy.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

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

The joint resolution (H.J. Res. 38) was read the third time and passed.

The preamble was agreed to.

RECOGNIZING THE CONTRIBUTIONS OF KOREAN AMERICANS TO THE UNITED STATES

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 283.

The PRESIDING OFFICER. Without objection, it is ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 283) recognizing the contributions of Korean Americans to the United States and encouraging the celebration of “Korean American Day.”

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 283) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 283

Whereas on January 13, 1903, the arrival of 102 pioneer immigrants to the United States initiated the first chapter of Korean immigration to the United States;

Whereas members of the early Korean American community served with distinction in the Armed Forces of the United States during World War I, World War II, and the conflict in Korea;

Whereas in the early 1950s, thousands of Koreans, fleeing from war, poverty, and desolation, came to the United States seeking opportunities;

Whereas Korean Americans, like waves of immigrants to the United States before them, have taken root and thrived as a result of strong family ties, robust community support, and countless hours of hard work;

Whereas the contributions of Korean Americans to the United States include the invention of the first beating heart operation for coronary artery heart disease, development of the nectarine, a 4-time Olympic gold medalist, and achievements in engineering, architecture, medicine, acting, singing, sculpture, and writing;

Whereas Korean Americans play a crucial role in maintaining the strength and vitality of the United States-Korean partnership;

Whereas the centennial year of 2003 marked an important milestone in the now more than 100-year history of Korean immigration; and

Whereas the Centennial Committees of Korean Immigration and Korean Americans have designated January 13th of each year as “Korean American Day” to memorialize the more than 100-year journey of Korean Americans in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a “Korean American Day”;

(2) commemorates the 103rd anniversary of the arrival of the first Korean immigrants to the United States; and

(3) encourages the people of the United States to—

(A) share in such commemoration in order to greater appreciate the valuable contributions Korean Americans have made to the United States; and

(B) to observe “Korean American Day” with appropriate programs, ceremonies, and activities.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 286, 303, and 305, en bloc.

I ask unanimous consent that the committee-reported amendments be