

years ago in the aftermath of the September 11 attacks and was intended at the time to provide temporary mechanisms to allow the marketplace to adapt after the economic dislocations that resulted from those attacks on September 11.

This summer, Treasury Secretary Snow issued a report highlighting the importance of allowing private insurance companies to regain their hold in the marketplace. As the report showed, TRIA successfully bridged that gap created by the September 11 terrorist attacks and very effectively enabled the insurance markets to stabilize.

The continued presence of the federally backed subsidy risked crowding out private market initiatives and slowing down, impeding the development of private market solutions. That is why I called for an extension of TRIA that was narrow, that was targeted and minimized interference with our markets.

The bill we just passed achieves that goal. The taxpayers' exposure is lessened by reducing the lines of coverage subject to the Federal backstop, and the insurance industry's exposure is increased.

I am gratified we passed the bill. Over the long term the Federal Government cannot be a substitute for market-based solutions.

I thank Chairman SHELBY and Senator DODD for their hard work on this very important bill. It hasn't been easy, but it has now been accomplished.

#### THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate en bloc consideration of the following bills reported out by the Energy and Natural Resources Committee: Calendar Nos. 307, 308, 309, 310, 311, 312, 313, and 314; that the Energy and Natural Resources Committee be discharged from further consideration of H.R. 4195, and the Senate proceed to its immediate consideration.

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

The measures will be considered en bloc.

Mr. FRIST. I ask unanimous consent the amendments at the desk be agreed to; the committee-reported amendments, as amended, be agreed to; the bills, as amended, if amended, be read the third time and passed; and the title amendment be agreed to, all en bloc.

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

#### NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY TRANSFER ACT

The bill (S. 310) to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in

the State of Nevada, was read the third time and passed, as follows:

S. 310

*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 "Newlands Project Headquarters and Maintenance Yard Facility Transfer Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the memorandum of agreement between the District and the Secretary identified as Contract No. 3-LC-20-805 and dated June 9, 2003.

(2) DISTRICT.—The term "District" means the Truckee-Carson Irrigation District in the State of Nevada.

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

#### SEC. 3. CONVEYANCE OF NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY.

(a) CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act and in accordance with the Agreement and any applicable laws, the Secretary shall convey to the District all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The real property referred to in paragraph (1) is the real property within the Newlands Projects, Nevada, that is—

(A) known as "2666 Harrigan Road, Fallon, Nevada"; and

(B) identified for disposition on the map entitled "Newlands Project Headquarters and Maintenance Yard Facility".

(b) CONSIDERATION.—Notwithstanding any other provision of law, amounts received by the United States for the lease or sale of Newlands Project land comprising the Fallon Freight Yard shall, for purposes of this section, be treated as consideration for the real property conveyed under subsection (a).

(c) REPORT.—If the Secretary has not completed the conveyance under subsection (a) within 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) explains the reasons why the conveyance has not been completed; and

(2) specifies the date by which the conveyance will be completed.

(d) ENVIRONMENTAL REVIEW, REMEDIATION, AND REMOVAL.—In accordance with the Agreement, the Secretary may not convey the real property under subsection (a) until—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable requirements relating to cultural resources have been complied with for the real property to be conveyed under subsection (a); and

(2) any required environmental site assessment, remediation, or removal has been completed with respect to the real property to be conveyed under subsection (a).

(e) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission by, or occurrence relating to, the District or any employee, agent, or contractor of the District with respect to the real property conveyed under subsection (a) that occurs before, on, or after the date of the conveyance.

#### LOWER FARMINGTON RIVER AND SALMON BROOK WILD AND SCENIC RIVERS STUDY ACT OF 2005

The Senate proceeded to consider the bill (S. 435) to amend the Wild and Sce-

nic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 435

*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 "Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005".

#### SEC. 2. DESIGNATION OF ADDITIONAL SEGMENT OF FARMINGTON RIVER AND SALMON BROOK IN CONNECTICUT FOR STUDY FOR POTENTIAL ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) DESIGNATION.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

"(139) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—The segment of the Farmington River downstream from the segment designated as a recreational river by section 3(a)(156) to its confluence with the Connecticut River, and the segment of the Salmon Brook including its mainstream and east and west branches."

(b) TIME FOR SUBMISSION.—Not later than 3 years after the date [of enactment of] *on which funds are made available to carry out* this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by the amendment made by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment was agreed to.

The bill (S. 435), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

#### TO AMEND RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991

The bill (S. 648) to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance, was read the third time and passed, as follows:

S. 648

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

#### SECTION 1. EXTENSION OF THE RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991.

Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking "September 30, 2005" and inserting "September 30, 2010".

#### WICHITA PROJECT EQUUS BEDS DIVISION AUTHORIZATION ACT OF 2005

The Senate proceeded to consider the bill (S. 1025) to amend the Act entitled

“An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes” to authorize the Equus Beds Division of the Wichita Project, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1025

*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 “Wichita Project Equus Beds Division Authorization Act of 2005”.

#### SEC. 2. EQUUS BEDS DIVISION.

The Act entitled “An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes” (Public Law 86-787; 74 Stat. 1026) is amended by adding the following new section:

##### “SEC. 10. EQUUS BEDS DIVISION.

“(a) AUTHORIZATION.—The Secretary of the Interior may assist in the funding and implementation of the Equus Beds Aquifer Recharge and Recovery Component which is a part of the ‘Integrated Local Water Supply Plan, Wichita, Kansas’ (referred to in this section as the ‘Equus Beds Division’). Construction of the Equus Beds Division shall be in substantial accordance with the plans and designs.

“(b) OPERATION, MAINTENANCE, AND REPLACEMENT.—Operation, maintenance, and replacement of the Equus Beds Division, including funding for those purposes, shall be the sole responsibility of the City of Wichita, Kansas. The Equus Beds Division shall be operated in accordance with applicable laws and regulations.

“(c) AGREEMENTS.—The Secretary of the Interior may enter into, or agree to amendments of, cooperative agreements and other appropriate agreements to carry out this section.

“(d) ADMINISTRATIVE COSTS.—From funds made available for this section, the Secretary of the Interior may charge an appropriate share related to administrative costs incurred.

“(e) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary of the Interior shall work cooperatively with the City of Wichita, Kansas, to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the City for the Equus Beds Division. The Secretary of the Interior shall assure that such information is used consistent with applicable Federal laws and regulations, [including principles and guidelines used in preparing feasibility level project studies].

“(f) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Equus Beds Division (including portions or features thereof) to the United States.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated as the Federal share of the total cost of the Equus Beds Division, an amount not to not exceed 25 percent of the total cost or \$30,000,000 (January, 2003 prices), whichever is less, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engi-

neering cost indexes applicable to the type of construction involved herein, whichever is less. Such sums shall be nonreimbursable.

“(h) TERMINATION OF AUTHORITY.—The authority of the Secretary of the Interior to carry out any provision of this section shall terminate 10 years after the date of enactment of this section.”.

The committee amendment was agreed to.

The bill (S. 1025), as amended, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

#### MUSCONETCONG WILD AND SCENIC RIVERS ACT

The Senate proceeded to consider the bill (S. 1096) to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

The amendment (No. 2682) was agreed to, as follows:

AMENDMENT NO. 2682

(Purpose: To make technical corrections)

On page 2, line 16, strike “2002” and insert “2003”.

On page 3, line 19, strike “2002” and insert “2003”.

The bill (S. 1096), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

#### DELAWARE WATER GAP NATIONAL RECREATION AREA NATURAL GAS PIPELINE ENLARGEMENT ACT

The Senate proceeded to consider the bill (S. 1310) 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 which had been reported from the Committee on Energy and Natural Resources, with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1310

*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 “Delaware Water Gap National Recreation Area Natural Gas Pipeline Enlargement 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. [16414] 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 [ , for no consideration,] 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