

crop insurance pilot program relating to forage.

**SEC. 552. FUNDING.**

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

**SEC. 553. REGULATIONS.**

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

**SEC. 554. EARTHQUAKE DAMAGE IN THE STATE OF HAWAII.**

(a) EMERGENCY WATERSHED PROTECTION PROGRAM.—The Secretary shall use an additional \$12,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures on the Big Island in the State of Hawaii (referred to in this section as the “Big Island”) through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), of which \$7,000,000 shall be used to repair the Lower Hamakua Ditch and \$5,000,000 shall be used to repair the Waimea Irrigation System/Upper Hamakua Ditch.

(b) EMERGENCY CONSERVATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall use an additional \$6,000,000 of funds of the Commodity Credit Corporation to repair broken irrigation pipelines and damaged and collapsed water tanks on the Big Island through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), of which \$2,000,000 shall be used to repair stone fences on cattle ranches in the Kona and Kohala areas and \$2,000,000 shall be used to provide emergency loans for losses of agricultural income due to the earthquake of October 15, 2006.

(2) ADDITIONAL FUNDS.—The Secretary may use an additional \$2,000,000 of funds of the Commodity Credit Corporation through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) to repair or replace historical stone fences on ranches on the Big Island damaged by the earthquake on October 15, 2006.

(c) KOHALA DITCH SYSTEM.—The Secretary shall use \$3,000,000 of funds of the Commodity Credit Corporation to provide a grant to the Big Island Resource Conservation and Development Council, Incorporated, to repair the Kohala Ditch system.

**Subtitle F—Emergency Designation**

**SEC. 561. EMERGENCY DESIGNATION.**

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**SA 5145.** Mr. SMITH submitted an amendment intended to be proposed to SA 4920 submitted by Mr. BURNS and intended to be proposed to the bill H.R.

5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. —. REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.**

(a) IN GENERAL.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401 by striking “2006” and inserting “2007”.

(b) TERMINATION OF AUTHORITY.—

(1) SPECIAL PROJECTS ON FEDERAL LANDS.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended in the second sentence by striking “2007” and inserting “2008”.

(2) COUNTY PROJECTS.—Section 303 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended in the second sentence by striking “2007” and inserting “2008”.

(c) REDUCTION IN PAYMENTS FOR FISCAL YEAR 2007.—Notwithstanding any provision of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393), any payment authorized under section 102 or 103 of that Act for fiscal year 2007 shall be equal to the amount of the payment authorized under the applicable section of that Act for fiscal year 2006, reduced by 10 percent.

(d) EMERGENCY DESIGNATION.—The amount made available under this section and the amendments made by this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

**SA 5146.** Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 82, between lines 19 and 20, insert the following:

SEC. 126. Of the amount appropriated or otherwise made available by chapter 7 of title I of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148) under the heading “MILITARY CONSTRUCTION, NAVY AND MARINE CORPS” and available for the replacement of a Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi, \$13,400,000 may be available for the construction of an additional Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi.

**SA 5147.** Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between lines 12 and 13, insert the following:

SEC. 229. Of the amount appropriated by this title under the heading “DEPARTMENTAL ADMINISTRATION”, up to \$500,000 may be available for the Secretary of Veterans Affairs to conduct an independent study on the community health resources in the 14-county catchment area of the Department of Veterans Affairs clinic in Walla Walla, Washington, including the capacity of the private health care facilities in such catchment area to serve veterans that currently receive inpatient care at such clinic.

**SA 5148.** Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, between lines 19 and 20, insert the following:

SEC. 126. Section 2836(c)(3) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2005) is amended to read as follows:

“(3) The Secretary may convey, without consideration, to the County all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon), known as Tract No. 404-1, consisting of approximately 137 acres located at Fort Bragg for support of the construction of public school structures that may be used by the Harnett County School Board for the education of—

“(A) members of the Armed Forces stationed at Fort Bragg and Pope Air Force Base and their dependents; and

“(B) children who reside in the County.”

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FINANCE**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, November 14, 2006, at 11 a.m., in 215 Dirksen Senate Office Building, to consider pending nominations.

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, November 14, 2006, at 10 a.m. to consider the nominations of the Honorable James H. Bilbray to be Governor, U.S. Postal Service, Thurgood Marshall Jr. to be Governor, U.S. Postal Service, and the Honorable Dan G. Blair to be Chairman, Postal Rate Commission.

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

**COMMITTEE ON THE JUDICIARY**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Competition in Sports Programming and Distribution: Are Consumers Winning?” on Tuesday, November 14, 2006 at 9 a.m. in Dirksen Senate Office Building Room 226.

*Witness List*

Panel I: Roger Noll, Professor, Economics Department, Stanford University, Stanford, CA; Jeffrey Pash, Executive Vice President and General Counsel of the National Football League, New York, NY; Daniel M. Fawcett, Executive Vice President, Business and Legal Affairs and Programming Acquisition, DIRECTV, Inc., Washington, DC; Landel Hobbs, Chief Operating Officer, Time Warner, New York, NY.

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

## COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, November 14, 2006 at 2 p.m. in Dirksen Senate Office Building Room 226.

*Witness List*

Panel I: The Honorable Arlen Specter, United States Senator [R-PA].

Panel II: Thomas Michael Hardiman to be United States Circuit Judge for the Third District.

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

## PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, November 14, 2006, at 2:30 p.m., for a hearing entitled "Failure to Identify Company Owners Impedes Law Enforcement."

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

## PRIVILEGES OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator MCCAIN's legislative fellow, Navy LCDR Damien Christopher, be granted floor privileges during the debate and any votes concerning H.R. 5384, as well as any related amendments.

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

## EXECUTIVE CALENDAR

## RECOMMITTAL OF NOMINATION

Mr. FRIST. As in executive session, I ask unanimous consent that Executive Calendar No. 995, the nomination of John Peyton, be recommitted to the Committee on Health, Education, Labor, and Pensions.

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

## MEASURE READ THE FIRST TIME

Mr. FRIST. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

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

The assistant legislative clerk read as follows:

A bill (S. 4051) to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued orders, to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes.

Mr. FRIST. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my request.

The PRESIDING OFFICER. Objection is heard.

MEASURE PLACED ON  
CALENDAR—S. 4047

Mr. FRIST. Mr. President, I understand there is a bill at the desk due for its second reading.

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

The legislative clerk read as follows:

A bill (S. 4047) to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and in consultation with the Banking member of the Senate Committee on Finance, pursuant to Public Law 103-296, appoints Marsha Katz, of Montana, vice David Podoff, as a member of the Social Security Advisory Board.

REMOVAL OF INJUNCTION OF  
SECRECY—TREATY DOCUMENT NO.  
109-22

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 14, 2006, by the President of the United States:

Treaty with Malaysia on Mutual Legal Assistance, Treaty Document No. 109-22.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States of America and Malaysia on Mutual Legal Assistance in Criminal Matters, signed on July 28, 2006, at Kuala Lumpur. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should enhance our ability to investigate and prosecute a wide variety of crimes. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Under the Treaty, the Parties agree to assist each other by, among other things: providing evidence (such as testimony, documents, items, or things) obtained voluntarily or, where necessary, by compulsion; arranging for persons, including persons in custody, to travel to the other country to provide evidence; serving documents executing searches and seizures; locating and identifying persons, items, or places; examining objects and sites; freezing and forfeiting assets or property; and identifying or tracing proceeds of crime.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

GEORGE W. BUSH.  
THE WHITE HOUSE, November 14, 2006.

ORDERS FOR WEDNESDAY,  
NOVEMBER 15, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2:15 p.m. on Wednesday, November 15. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that there then be a period of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

## PROGRAM

Mr. FRIST. Mr. President, today we did complete our work on the Military Construction and Veterans Affairs appropriations bill. Tomorrow afternoon, we hope to begin the Agriculture appropriations bill. We are also continuing our efforts to reach an agreement for the consideration of the U.S.-India Peaceful Atomic Energy Cooperation Act. We do expect votes in the afternoon, so Senators should plan their schedules accordingly. This week, we will also need to pass a short-term continuing resolution when received from the House.