The House was not in session today. Its next meeting will be held on Tuesday, December 5, 2006, at 10 a.m.

Senate
MONDAY, DECEMBER 4, 2006
The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, who has given us this good land for our heritage, make us wise stewards of Your bounty. Help us to use honorable industry and sound learning to protect our Nation's resources. Give us wisdom to conserve today so that our children will need tomorrow.

Use our Senators for Your glory. Empower them to defend our liberties and to bring unity and healing to our country. Do not allow their trust in You to fail. Unite them to seek moral objectives so that You will bless America.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF CONFERENCE—H. R. 5682

The President pro tempore. The President pro tempore under the previous order, the Chair appoints the following as conferees on the part of the Senate on the disagreeing votes of the two Houses on H.R. 5682:

The President pro tempore appointed Mr. LUGAR, Mr. HAGEL, Mr. ALLEN, Mr. FRIST, Mr. BIDEN, and Mr. DODD conferees on the part of the Senate.

ADDITIONAL STATEMENTS

TEXT OF S. 4051

Mr. SPECTER. Mr. President, I ask that the full text of S. 4051, the “Foreign Intelligence Surveillance Oversight and Resource Enhancement Act of 2006,” be printed in the Record.

The text of the bill follows.

S. 4051

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 “Foreign Intelligence Surveillance Oversight and Resource Enhancement Act of 2006”.

TITLE I—ENHANCEMENT OF RESOURCES AND PERSONNEL FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

SEC. 101. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.

(a) Authority for Additional Judges.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting “(1)” after “(a)”; and

(2) in paragraph (1), as so redesignated, by inserting “subject to” before “seven of the United States judicial circuits”;

(3) by designating the second sentence as paragraph (4) and inserting such paragraph, as so designated, accordingly; and

(4) by inserting after paragraph (1), as so redesignated, the following new paragraph:

(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the Foreign Intelligence Surveillance Court of the United States such judges appointed under Article III of the Constitution of the United States as the Chief Justice determines appropriate in their experience and training and subject to the consideration under section 105 of applications under section 104 for electronic surveillance under this title. Any judge designated under this paragraph shall be designated publicly.”;

(b) Consideration of Emergency Applications.—Such section is further amended by inserting after paragraph (2), as so redesignated, the following new paragraph:

(3) A judge of the court established by paragraph (1) shall make a determination to approve, deny, or seek modification of an application submitted under subsection (f) or (g) of section 105 not later than 24 hours after the receipt of such application by the court.”.

SEC. 102. ADDITIONAL PERSONNEL FOR PREPARATION AND CONSIDERATION OF APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) Office of Intelligence Policy and Review.—(1) Additional Personnel.—The Office of Intelligence Policy and Review of the Department of Justice is authorized such additional personnel, including not fewer than 21 full-time attorneys, as is necessary to carry out the timely preparation of applications and orders for conducting and seeking approval of electronic surveillance for foreign intelligence purposes.

(b) Assignment.—The Attorney General shall assign personnel authorized by paragraph (1) to and among appropriate offices of the National Security Agency in order that such personnel may directly assist personnel of the Agency in preparing applications described in that paragraph.

SEC. 103. TRAINING OF FEDERAL BUREAU OF INVESTIGATION AND NATIONAL SECURITY AGENCY PERSONNEL IN FOREIGN INTELLIGENCE SURVEILLANCE MATTERS.

The Director of the Federal Bureau of Investigation and the Director of the National Security Agency shall each, in consultation with the Attorney General—

(1) develop regulations establishing procedures for conducting and seeking approval of electronic surveillance on an emergency basis, and for preparing and properly submitting and receiving applications and orders, under sections 104 and 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 and 1805); and

(2) prescribe related training for the personnel of the applicable agency.

TITLE II—IMPROVEMENT OF FOREIGN INTELLIGENCE SURVEILLANCE AUTHORITY

SEC. 201. EXTENSION OF PERIOD FOR APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

Section 105(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(f)) is amended by striking “72 hours” both places it appears and inserting “168 hours”.

SEC. 202. ACQUISITION OF FOREIGN-FOREIGN COMMUNICATIONS.

(a) In General.—Notwithstanding any other provision of this Act or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), no court order shall be required for the acquisition through electronic surveillance of the contents of any communication between one person who is not located within the United States and another person who is not located within the United States for the purpose of collecting foreign intelligence information even if such communication passes through, or the surveillance device is located within, the United States.

(b) Treatment of Intercepted Communications Involving Domestic Party.—If surveillance conducted, as described in subsection (a), inadvertently collects a communication in which at least one party is within the United States, the contents of such communication shall be handled in accordance with the minimization procedures set forth in section 101(h)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(h)(4)).

(c) Definitions.—In this section, the terms “content”, “electronic surveillance”, and “foreign intelligence information” have the meaning given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 203. INDIVIDUALIZED FISA APPLICATIONS.

The contents of any wire or radio communication sent by a person who is reasonably believed to be inside the United States to a person outside the United States may not be retained or used unless authorized under the Foreign Intelligence Surveillance Act is obtained.
SEC. 204. ISSUES RESERVED FOR THE COURTS.

Nothing in this Act shall be deemed to amend those provisions of FISA concerning any wire or radio communication sent from outside the United States to a person inside the United States. The constitutionality of such interceptions shall be determined by the courts, including the President's claim that his article II authority supersedes FISA.

TITLE III—ENHANCED CONGRESSIONAL OVERSIGHT AND SUPREME COURT REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM

SEC. 301. CONGRESSIONAL OVERSIGHT.

(a) ELECTRONIC SURVEILLANCE UNDER FISA.—Section 108 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808) is amended—

(1) in subsection (a)(2)—
(A) in subparagraph (B), by striking "and" at the end; and
(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) the authority under which the electronic surveillance is conducted;";

(b) INTELLIGENCE ACTIVITIES.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 501 (50 U.S.C. 413)—
(A) in subparagraph (B), by striking the period and inserting "; and"; and

(B) by redesignating subsection (f) as subsection (g); and

(2) in section 502 (50 U.S.C. 414), by adding at the end the following new subsection:

"(d) INFORMING OF COMMITTEE MEMBERS.—

The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may, inform, on a bipartisan basis, all members or any individual members of such committee of a report submitted under subsection (a)(1) or subsection (b) as such Chair considers necessary.;"

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SEC. 302. SUPREME COURT REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM.

(a) IN GENERAL.—Upon appeal by the United States to the Court to the underlying proceedings, the Supreme Court of the United States shall review the final decision of any United States court of appeal concerning the legality of the Terrorist Surveillance Program.

(b) EXPEDITED CONSIDERATION.—It shall be the duty of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(c) DEFINITION.—In this section, the term "Terrorist Surveillance Program" means the program identified by the President of the United States on December 17, 2005, to intercept communications into and out of the United States of persons linked to al Qaeda or related terrorist organizations.

SEC. 401. DEFINITION.

In this Act, the term "Foreign Intelligence Surveillance Court" means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 403. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date that is 30 days after the date of the enactment of this Act.

TRIBUTE TO COLONEL THOMAS V. COLELLA

Mr. ISAKSON. Mr. President, I rise today to recognize in the RECORD COL Thomas V. Colella, who officially retired from the United States Marine Corps last month after 30 years of honorable service to this Nation.

Colonel Colella graduated from the United States Naval Academy in 1976 and was commissioned a Second Lieutenant in the Marine Corps. His first tour took him to Okinawa, Japan, where he was assigned to E Battery, 2nd Battalion, 12th Marine Regiment.

While assigned to that battalion, he served as a battery officer, forward observer and liaison officer. Colonel Colella then served at the Landing Force Training Command, Atlantic area, as an aide-de-Camp to the commanding general of the 4th Marine Amphibious Brigade. In 1981 he entered the Marine Corps Reserve where he held several line and staff positions including a role as commander of the 4th Battalion, 14th Marines and Executive Officer of the 4th Civil Affairs Group.

Most recently, Colonel Colella was recalled to active duty in support of coalition forces in Afghanistan related to Operation Enduring Freedom, where he served as Chief of Staff to the U.S. Defense Representative in Pakistan.

In 1987, Tom joined Korn/Ferry in the firm's Washington, D.C. office conducting senior-level searches for a global client base in the industrial, aerospace and defense sectors. Tom was also called into civilian public service after accepting a position within the U.S. Department of Education in the former Bush administration and most recently serving as the Principal Deputy Assistant Secretary of the Navy for Manpower and Reserve Affairs in the current Bush administration.

I have been fortunate to have Colonel Colella serve as the chairman of my academy review board since my election to the U.S. House of Representatives in 1999. I inherited him from former House Speaker Newt Gingrich who also sought out Tom's expertise in the important and extremely difficult academy selection process. His commitment to the young men and women who make up the future of our Nation does not go unrecognized.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States of a bill which was referred to the Committee on Armed Services.

The nomination received today is printed at the end of the Senate proceedings.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 21, 2006, she had presented to the President of the United States the following enrolled bills:

S. 101. An act to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.
S. 435. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential inclusion to the National Wild and Scenic Rivers System, and for other purposes.
S. 819. An act to authorize the Secretary of the Interior to request a survey of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.
S. 1391. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.
S. 1140. An act to designate the State Route 2 Bridge in the State of Delaware as the "Senator William V. Roth, Jr., Bridge”.
S. 2464. An act to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.
S. 3880. An act to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise crimes.
S. 4001. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation System and certain land as a National Recreation Area, and for other purposes.

ADDITIONAL COSPONSORS

S. 3592

At the request of Mrs. CLINTON, the names of the Senator from Connecticut.
(Mr. LIEBERMAN) and the Senator from Indiana (Mr. BAYH) were added as co-sponsors of S. 3910, a bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

NOTICE OF HEARING
COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP
Ms. SNOWE. Mr. President, I would like to inform the members of the committee that the committee will hold a hearing on Wednesday, December 6, 2006 at 2:30 p.m. in Russell 428A on the Nomination of Jovita Carranza to be the Deputy Administrator of the U.S. Small Business Administration.

ADJOURNMENT UNTIL TUESDAY, DECEMBER 5, 2006
The PRESIDENT pro tempore. Under the previous order, the Senate stands in adjournment until 12 noon on Tuesday, December 5, 2006.

Thereupon, the Senate, at 10:02 a.m., adjourned until Tuesday, December 5, 2006.

NOMINATIONS
Executive nomination received by the Senate December 4, 2006:
DEPARTMENT OF DEFENSE
Robert M. Gates, of Texas, to be Secretary of Defense, vice Donald Henry Rumsfeld, resigned.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 5, 2006 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

DECEMBER 6

9:15 a.m. Environment and Public Works
Business meeting to consider the nominations of Alex A. Beehler, of Maryland; to be Inspector General, Environmental Protection Agency, and Eric D. Eberhard, of Washington, and Diane Humetewa, of Arizona, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

9:30 a.m. Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Leland A. Strom, of Illinois, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, and Mark Everett Keenum, of Mississippi, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation.

10 a.m. Health, Education, Labor, and Pensions
Business meeting to consider pending nominations.

1:30 p.m. Armed Services
To hold a closed briefing on the Naval Criminal Investigative Service Report of events from November 2005 in the Iraqi town of Haditha and on the probe by Army Major General Eldon Bargewell on how the chain of command handled the initial reporting of the incidents.

2:30 p.m. Judiciary
Administrative Oversight and the Courts Subcommittee
To hold oversight hearings to examine implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act (Public Law 109–8).

2:30 p.m. Small Business and Entrepreneurship
To hold hearings to examine the nomination of Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration.

DECEMBER 7

Time to be announced
Homeland Security and Governmental Affairs
Business meeting to consider pending nominations.

11 a.m. Judiciary
To hold hearings to examine vertically integrated sports programming, focusing on whether cable companies are excluding competition.

2:30 p.m. Intelligence
To hold a closed briefing on intelligence matters.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S11107–S11110

U.S.-INDIA NUCLEAR AGREEMENT—CONFEREES: The Chair announced the following conferees on the part of the Senate to H.R. 5682, to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India: Senators Lugar, Hagel, Allen, Frist, Biden, and Dodd.

Nominations Received: Senate received the following nomination:

Robert M. Gates, of Texas, to be Secretary of Defense.

Enrolled Bills Presented:

Additional Cosponsors: Pages S11109–10

Adjournment: Senate convened at 10 a.m., in a pro forma session, and adjourned at 10:02 a.m., until 12 noon, on Tuesday, December 5, 2006. Page S11110

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS:

Committee on Armed Services: Committee concluded a hearing on the nominations of Scott Wallace Stucky, of Maryland, and Margaret A. Ryan, of Virginia, each to be a Judge of the United States Court of Appeals for the Armed Forces, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 10 a.m. on Tuesday, December 5, 2006.

Committee Meetings

No Committee meetings were held.

CONGRESSIONAL PROGRAM AHEAD

Week of December 5 through December 9, 2006

Senate Chamber

On Tuesday, at 12 noon, Senator DeWine will be recognized to speak for up to two hours. At 2 p.m., Senate will consider H.R. 5384, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.
Committee on Commerce, Science, and Transportation: December 5, to hold hearings to examine the nominations of Jane C. Luxton, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere, Steven R. Cheealander, of Texas, to be a Member of the National Transportation Safety Board, and Charles E. Dorkey III, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, 10 a.m., SR–253.

Committee on Environment and Public Works: December 6, business meeting to consider the nominations of Alex A. Beehler, of Maryland, to be Inspector General, Environmental Protection Agency, and Eric D. Eberhard, of Washington, and Diane Humetewa, of Arizona, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, 9:15 a.m., SD–406.

December 6, Full Committee, to hold hearings to examine issues relating to climate change and the media, 9:30 a.m., SD–406.

Committee on Finance: December 5, to hold hearings to examine a report card on tax exemptions and incentives for higher education, 10 a.m., SD–215.

December 5, Full Committee, to hold hearings to examine the nominations of Anthony W. Ryan, of Massachusetts, to be an Assistant Secretary of the Treasury for Financial Markets, Phillip L. Swagel, of Maryland, to be an Assistant Secretary of the Treasury for Economic Policy, Dean A. Pinkert, of Virginia, and Irving A. Williamson, of New York, both to be a Member of the United States International Trade Commission, and Mark Warshawsky, to be a Member of the Social Security Advisory Board, Social Security Administration (pending receipt by the Senate), 12 noon, SD–215.

Committee on Health, Education, Labor, and Pensions: December 5, business meeting to consider pending nominations, 5 p.m., Room to be announced.

December 6, Full Committee, business meeting to consider pending nominations, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: December 5, Subcommittee on Financial Management and Accountability, to hold hearings to examine the successes and shortcomings of the Improper Payments Information Act of 2002, 10:30 a.m., SD–342.

December 6, Full Committee, to hold hearings to examine the extent of fraud, waste, and abuse relating to Hurricane Katrina, 10 a.m., SD–342.

December 6, Full Committee, to hold hearings to examine the nomination of Paul A. Schneider, of Maryland, to be Under Secretary of Homeland Security for Management, 3 p.m., SD–342.

December 7, Full Committee, business meeting to consider pending nominations, Time to be announced, Room to be announced.

Committee on the Judiciary: December 5, to hold hearings to examine enforcement of criminal insider trading and hedge fund activity, 9:30 a.m., SD–226.

December 6, Full Committee, to hold oversight hearings to examine activities of the Federal Bureau of Investigation, Department of Justice, 9:30 a.m., SD–226.

December 6, Subcommittee on Administrative Oversight and the Courts, to hold oversight hearings to examine implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act (Public Law 109–8), 2:30 p.m., SD–226.

December 7, Full Committee, to hold hearings to examine vertically integrated sports programming, focusing on whether cable companies are excluding competition, 11 a.m., SD–226.

Committee on Small Business and Entrepreneurship: December 6, to hold hearings to examine the nomination of Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration, 2:30 p.m., SR–428A.

Select Committee on Intelligence: December 7, to hold a closed briefing on intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Armed Services, December 6, Subcommittee on Military Personnel, hearing to examine criteria for awards and decorations, 11 a.m., 2212 Rayburn.

December 7, full Committee, hearing on U.S. military transition teams in Iraq and Afghanistan, 10 a.m., 2167 Rayburn.

Committee on the Judiciary, December 5, Subcommittee on Commercial and Administrative Law, meeting to consider a motion to Approve the Interim Report on the Administrative Law, Process and Procedure Project for the 21st Century, 2 p.m., 2141 Rayburn.

December 5, Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled "The Energy Employees Occupational Illness Compensation Program Act: Are We Fulfilling the Promise We Made to Cold War Veterans When We Created the Program?" (Part V), 4 p.m., 2141 Rayburn.

December 7, Subcommittee on Financial Services and Oversight Hearings and Investigations, Department of Justice, 9:30 a.m., 226.

Committee on Ways and Means, December 6, hearing on Patient Safety and Quality Issues in End State Renal Disease Treatment, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, December 5, executive, briefing on Intelligence Collection Architecture, 2:30 p.m., H–405 Capitol.
Next Meeting of the SENATE
12 Noon, Tuesday, December 5

Program for Tuesday: Senator DeWine will be recognized to speak for up to two hours. At 2 p.m., Senate will consider H.R. 5384, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Tuesday, December 5

Program for Tuesday: To be announced.