

in effect at the time of such gifts, be used both to compute—

“(1) the tax imposed by chapter 12 with respect to such gifts, and

“(2) the credit allowed against such tax under section 2505, including in computing—

“(A) the applicable credit amount under section 2505(a)(1), and

“(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year.”.

(2) GIFT TAX.—Section 2505(a) of such Code (relating to unified credit against gift tax) is amended by adding at the end the following new flush sentence:

“For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

(e) MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(2) SUNSET NOT TO APPLY.—

(A) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “this Act” and all that follows and inserting “this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.”.

(B) Subsection (b) of such section 901 is amended by striking “, estates, gifts, and transfers”.

(3) REPEAL OF DEADWOOD.—Sections 2011, 2057, and 2604 of the Internal Revenue Code of 1986 are hereby repealed.

**SA 4195.** Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 8, to make the repeal of the estate tax permanent; which was ordered to lie on the table; as follows:

Amend the title as to read:  
“An Act to amend the Internal Revenue Code of 1986 to make permanent the estate tax in effect in 2009, including the step-up-in-basis regime, and for other purposes.”

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee to meet on Armed Services be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 9:30 a.m., in closed session, to receive a classified briefing on overhead imagery systems.

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

##### COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent, that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 4 p.m., to receive a briefing on the loss of personal information about Department of Defense personnel as a result of the theft of a computer from a Department of Veterans Affairs analyst.

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

##### COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 5:20 p.m., to receive a classified briefing on the death of Al-Zarqawi.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 8, 2006, at 10 a.m., to conduct a hearing on the nominations of Ms. Sheila C. Bair, of Kansas, to be a member and chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; Mr. James B. Lockhart III, of Connecticut, to be the Director of the Office of Federal Housing Enterprise Oversight; Mr. Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System; and Ms. Kathleen L. Casey, of Virginia, to be a member of the Securities and Exchange Commission.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 8, 2006, at 2:30 p.m. on Nominations.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 10 a.m. The purpose of this hearing is to consider the nominations of: Philip D. Moeller, of Washington, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2010, Vice Patrick Henry Wood III, resigned and Jon Wellingshoff, of Nevada, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2008, Vice William Lloyd Massey, term expired.

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

##### COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Com-

mittee on Finance be authorized to meet during the session on Thursday, June 8, 2006, at 11 a.m., in 215 Dirksen Senate Office Building, to consider original bills entitled, the “Medicare, Medicaid, and SCHIP Indian Health Care Improvement Act of 2006”, and the “Improving Outcomes for Children Affected by Meth Act of 2006”.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 9:30 a.m. to hold a hearing on The Role of Non-Governmental Organizations in the Development of Democracy.

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security Affairs Governmental Affairs be authorized to meet on Thursday, June 8, 2006, at 10 a.m., for a hearing titled, “National Emergency Management: Where Does FEMA Belong?”

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

##### COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 8, 2006, at 9:30 a.m., in the Dirksen Senate Office Building room 226. The agenda will be provided when it becomes available.

I. Nominations: Andrew J. Guilford, to be U.S. District Judge for the Central District of California; Frank D. Whitney, to be U.S. District Judge for the Western District of North Carolina; Kenneth L. Wainstein, to be an Assistant Attorney General; Charles P. Rosenberg, to be U.S. Attorney for the Eastern District of Virginia.

II. Bills: S. 2453, National Security Surveillance Act of 2006, Specter; S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer; S. 3001, Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006, Specter, Feinstein; S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Graham, Schumer, Biden.

III. Matters: S.J. Res. 12, Flag Desecration resolution, Hatch, Feinstein, Brownback, Coburn, Cornyn, DeWine, Graham, Grassley, Kyl, Sessions, Specter.

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

## COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, June 8, 2006, for a committee hearing re pending benefits related legislation. The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 8, 2006, at 2:30 p.m. to hold a closed briefing.

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

## SUBCOMMITTEE ON CORRECTIONS AND REHABILITATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Corrections and Rehabilitation be authorized to meet to conduct a hearing on "The Findings and Recommendations of the Commission on Safety and Abuse in America's Prisons" on Thursday, June 8, 2006, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building. Witness list.

The Honorable John J. Gibbons, Commission Co-Chairman, Former Chief Judge of the U.S. Court of Appeals for the Third Circuit, Newark, NJ.

Nicholas de B. Katzenbach, Commission Co-Chairman, Former U.S. Attorney General, Princeton, NJ.

Gary D. Maynard, Commissioner, Director of the Iowa Department of Corrections and President-Elect of the American Correctional Association, Des Moines, IA.

Mark H. Morial, Commissioner, President and CEO of the National Urban League, former Mayor of New Orleans and Louisiana State Senator, New Orleans, LA.

Pat Nolan, Commissioner, President of Prison Fellowship's Justice Fellowship and a member of the National Prison Rape Elimination Commission, Lansdowne, VA.

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

## SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 2:30 p.m. to hold a hearing on Asian Adoptions in the United States.

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

## SUBCOMMITTEE ON NATIONAL OCEAN POLICY STUDY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science,

and Transportation Subcommittee on National Ocean Policy Study be authorized to meet on Thursday, June 8, 2006, at 10 a.m. on Offshore Aquaculture: Challenges of Fish Farming in Federal Waters.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—S. 2766

Mr. MCCONNELL. Mr. President, I am going to close shortly. First the distinguished Senator from Virginia, chairman of the Armed Services Committee, will seek recognition.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, in consultation with the distinguished leadership on both sides, Senator LEVIN and I participating, I am pleased to ask unanimous consent that at 3 p.m. on Monday, June 12, the Senate proceed to the immediate consideration of S. 2766, the Defense authorization bill; further, that Senator LEVIN be recognized at 5:30 to make his opening statement; provided further that Senator WARNER then be recognized and that no amendments be in order until the chairman is recognized at that time.

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

Mr. WARNER. Again, I thank the leadership. I am very anxious, as are all members of the Armed Services Committee from both sides of the aisle, and my esteemed ranking member, Senator LEVIN, to begin this bill on Monday. It is our hope that we can proceed as quickly as possible, fully recognizing that there may be, hopefully, an interruption with regard to the supplemental appropriations conference report. At some point—and I discussed this with Senator LEVIN—it would be our intention to approach our leadership in hopes that in the amendment process, after a day or so in the beginning, we can turn to the tradition of having relevant amendments so that we can bring this bill to a close. That gives Senators an opportunity in the first day or so to present whatever they wish and then thereafter proceed to matters that have a direct relevance to the bill itself.

I thank the distinguished leader for the opportunity to address the Senate.

Mr. MCCONNELL. Mr. President, I compliment the distinguished Senator from Virginia, the chairman of the Armed Services Committee, who has managed many of these very difficult measures over the years and is raring to go one more time starting Monday. We look forward to responding to his leadership.

Mr. WARNER. I thank the Senator.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Tuesday, June 13, at 2:30 p.m., immediately following the official photograph, there be 60 minutes equally divided for debate prior to the cloture vote on Executive Calendar No. 553, with 15 minutes under the control of Senator BYRD, and 15 minutes under the control of Senator KENNEDY, and 30 minutes under the control of Chairman ENZI; provided further, that if cloture is invoked on the nomination, the Senate proceed to an immediate vote on the confirmation of the nomination, with no intervening action or debate.

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

## AUTHORIZING THE TAKING OF A PHOTO IN THE SENATE CHAMBER

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 505, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 505) authorizing the taking of a photograph in the Chamber of the United States Senate.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution 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. 505) was agreed to, as follows:

## S. RES. 505

*Resolved*, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting an official photograph to be taken of Members of the United States Senate on June 13, 2006.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

## NATIONAL HEALTH IT WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 506, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 506) to designate the period beginning on June 5, 2006, and ending June 8, 2006, as "National Health IT week."

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be