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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

### PRAYER

The PRESIDING OFFICER. I am very pleased today to have the prayer be given by our guest Chaplain from the great State of Michigan, Rev. Timothy Tuthill of the First United Methodist Church in Mason, MI.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty and Everlasting God, You created order out of chaos and have given us life and as we gather here today we are reminded of Your grace and trust in us all. Through Your wisdom, O God, You have shared out of Your abundance and gifted us with minds to think and a spirit to act. We are grateful for the opportunity to serve our country as elected leaders and servants. Guide our elected officials as they debate and discern and may our Senators seek Your great counsel and be mindful of the needs of our communities, States, country, and world.

In this time, let us be ready to stand firm and be guided by the principles that led the Founders of our country to pursue liberty and justice for all. Continue to be with all those who are in harm's way today and guide our Nation and world as we continue to look for peaceful ways to resolve conflict near and far. We ask this and all things in your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW 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.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### KILLING OF AL-ZARQAWI

Mr. FRIST. Mr. President, the Senate just finished honoring our flag with the Pledge of Allegiance, an innovation we added to the Senate proceeding several years ago upon the suggestion and urging of our former colleague, Senator Bob Smith of New Hampshire. As we pay respect to those stars and those stripes, the news this morning of the events in Iraq bring new strength to the patriotism reflected by the Senate for that flag and, indeed, for our country.

Today, our military forces are to be commended for their dedication to eradicating the terrorist network in Iraq. Today's success in eliminating the terrorist, the butcher terrorist, the thuggish terrorist, al-Zarqawi, is a sure sign they are on the way to accomplishing that goal.

In my own visits to Iraq, I have had the opportunity to see firsthand the amazing work our soldiers are doing there on the ground. We are proud of our military, proud of the tremendous work they are doing, and thank them for their efforts and their sacrifice for us each and every day.

Al-Zarqawi was a man who was responsible for the beheading, the killing of hundreds and, indeed, thousands of innocent children, women, and men. He was responsible for the death of many Americans in uniform, men and women. For those reasons, we all know it is a great day for Iraq and, indeed, for the United States.

Al-Zarqawi was the operational head. He is a symbolic head, we know, but

equally importantly the operational head of al-Qaida in Iraq. Osama bin Laden called him the "prince of Al-Qaeda." Reportedly, he masterminded the operations, the financial infrastructure, the financial underpinnings, and the strategic support for the terrorist network. While we all know there are many insurgents who remain in Iraq, this is surely a major blow to the terrorists who threaten both the safety and the security of Iraq and, indeed, the United States.

It is also a significant day in the formation of the Government of Iraq, the appointment of the Ministers of Defense, of the Interior, and of National Security. It is a major step forward. The Prime Minister and most of the Cabinet have been in place for about 3 weeks. I think 37 are in place with the completion of that Cabinet today. It is a major step forward. It has been a good morning. These developments are major steps forward. Although, as we all know, many challenges remain, I am more optimistic than ever that a free and stable Iraq can be achieved.

### SCHEDULE

Mr. FRIST. Mr. President, I will update our colleagues over the course of the day and run down our schedule.

In a couple of minutes, we will start the 1 hour of debate prior to the cloture vote on the death tax repeal. Therefore, that first vote is expected to begin sometime between about 10:45 and 10:50. Regardless of the outcome of that cloture vote, we will then have the final debate prior to the cloture vote on the motion to proceed to the Native Hawaiians bill. That vote is set for 12:45 this afternoon.

The rest of today's schedule will depend on the outcome of those two cloture votes. We hope to have additional votes this afternoon on four district judges on the calendar, as well as the debate and the vote on the Schwab nomination to be U.S. Trade Representative.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I remind everyone that last night we filed cloture on a Mine Safety and Health nomination. That cloture vote will occur tomorrow unless some other agreement is reached.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

#### AL-ZARQAWI

Mr. REID. Mr. President, I certainly underscore the statement of the distinguished majority leader. This is a good day for the U.S. military and especially our intelligence community. We should feel very good about this. The mission we are talking about, the successful outcome, is a testament to the bravery, the skill, and the determination of those dedicated men and women on the front lines. This is hard to say about any human being, but he got what he deserved. Anyone who aligns himself with him should know they could await a similar fate as long as they engage in terror.

I was very pleased to hear the President's statement. It was measured. We all recognize there are a lot of difficult days ahead for the United States and Iraqi forces, but having a Security Minister, a Defense Minister, and an Interior Minister makes it that much closer to when we can start drawing down the troops.

#### DEFENSE AUTHORIZATION AND IMMIGRATION

I look forward—I hope in the near future, and I am confident that will be the case—to working on our Defense authorization bill, which is something we need to do.

I also say through the Chair to the distinguished majority leader, this is important for our colleagues. We are trying to work something out to get the immigration reform bill to conference with the House. People think we spend a lot of time on minutiae, all this procedural stuff, but that is the way it is. People are going to have to be patient. We are trying to get a vehicle to go to the House where we have assurances that it will be an immigration bill and not a tax bill. We do not have that worked out yet. I say to my colleagues and through the Chair to the distinguished majority leader, as he knows, negotiations have started. We are trying to work it out.

Mr. FRIST. Mr. President, to respond through the Chair to the Democratic leader—and actually our colloquy, in essence, is to our colleagues—we recognize the importance, both of us, both sides of the aisle, of getting this bill to conference. We have passed a bill that reflected the will of the Senate. Not everyone agreed with it. I thought we had a very good process we should be proud of in terms of debate and amendment and allowing the people's will to be discussed and voted upon.

The next step is getting to conference. We do not need to go into the

technical aspects, but it is a challenge to get it there in a way that gives all of the guarantees, but with those guarantees the goal will be to have an immigration bill that stays on immigration. That is exactly what the Democratic leader and I are working on, and we are making progress in that regard.

Mr. REID. Mr. President, I say also that the problem is one person can throw a monkey wrench into the process. We have to try to work it out so no wrenches are thrown.

Mr. President, I ask consent that Senator STABENOW from Michigan be recognized for up to 2 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Michigan is recognized.

#### THANKING THE GUEST CHAPLAIN

Ms. STABENOW. Mr. President, I take a special moment to say thank you to Rev. Tim Tuthill for giving the invocation today. As a lifelong United Methodist, I am very proud of him.

He is associate pastor of the First United Methodist Church in Mason, MI, and one of our brightest and most engaging young leaders in the community. I am so pleased he is here today.

He has been very active in the mid-Michigan community and served in a number of different leadership positions in the Mason area United Way, the Mason Ministerial Association, the Wesley Foundation, the St. Francis Retreat Center, the West Michigan Conference Leadership Team, and a host of other organizations.

After 8 years with the First United Methodist Church, Reverend Tuthill was recently appointed by the Wesley Foundation to lead the campus ministry at Michigan State, my alma mater, as well as Lansing Community College.

I wish him and his family well. We are so pleased he would take time to join us. We appreciate his words of inspiration this morning.

#### DEATH TAX REPEAL PERMANENCY ACT OF 2005—MOTION TO PROCEED

The PRESIDENT pro tempore. The Senate will resume consideration of H.R. 8, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of H.R. 8, to make the repeal of the estate tax permanent.

The PRESIDENT pro tempore. Under the previous order, there is 1 hour of debate equally divided between the two leaders or their designees, with 10 minutes of the minority time reserved for Senator DURBIN, 10 minutes for Senator DORGAN, and the last 20 minutes reserved as follows: 10 minutes for the Democratic leader, to be followed by the majority leader.

The Senator is recognized.

Mr. DURBIN. Mr. President, we are now considering the repeal of the es-

tate tax. The estate tax is a tax paid by 2 out of every 1,000 Americans. It is not a tax that will affect the vast majority of Americans because they have not accumulated enough wealth in their lifetime to be subject to the tax.

It is an action which is imposed on the very wealthiest, the very richest people in America. It is a tax which is imposed on their estates after a certain amount is exempt. Up to \$4 million is exempt for a couple under current estate tax, and that number is scheduled to rise.

However, the Republican majority believes this tax is unfair. They believe it is unfair for the wealthiest people in America, who have accumulated millions of dollars, to pay any tax to the Government on that accumulated wealth when they die. They say that is fundamentally unfair. They come to the Senate with a sense of outrage that we would ask wealthy people in America to pay taxes, so they propose the elimination or dramatic reduction of this tax, to the point where it will add substantially to the deficit of the United States of America.

This is not a tax cut for the wealthy; it is a tax deferral. By reducing or eliminating the tax on the wealthiest, they are passing the burden of taxation on to those in lower income groups. With their elimination of the death tax, they are creating a birth tax.

In other words, if you happen to be born in America and you are one of the 997 out of 1,000 who don't pay the estate tax, you will have a bigger debt and a bigger burden because the Republican majority believes the wealthiest should be spared paying taxes. People who have had the good fortune of living and succeeding in America should be spared, according to the Republicans, any responsibility to pay back to this great Nation for the benefits they have accrued during their lifetime. There is a sense of outrage on the Republican side of the aisle that somehow we would impose this tax. They have created this vast mythology about the estate tax. They translated it into a death tax, suggesting to Americans that when you die you must pay taxes. That is plain false. Only 2 or 3 out of 1,000 people who die each year pay any such tax. Yet the average person on the street believes the Government is going to come and grab whatever small amounts they have kept together for their sons and daughters and take it away in tax collection. It is not true. It is false. It is misleading. It is deceptive.

Who is pushing this great effort to eliminate the estate tax? Will it surprise you to know they are the fattest special interests in Washington, DC? An analysis has shown—and these numbers are nothing short of amazing—that 18 families in the United States of America, with a combined net worth of \$185 billion, have spent \$200 million lobbying on Capitol Hill to repeal this estate tax. Why? They are going to make a fortune because their fortunes will be