

Bunning	Ensign	Rockefeller
Burr	Enzi	Sanders
Byrd	Grassley	Sessions
Chambliss	Harkin	Shelby
Coburn	Hatch	Smith
Cochran	Hutchison	Stabenow
Coleman	Inhofe	Stevens
Collins	Isakson	Sununu
Corker	Landrieu	Tester
Cornyn	McCaskill	Thune
Crapo	McConnell	Vitter
DeMint	Murkowski	Voivovich
Dole	Nelson (NE)	Warner
Domenici	Pryor	Webb
Dorgan	Roberts	

## NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, the vote has been cast. As I told a number of my Republican friends, even though the vote is disheartening to me in many ways, I think as a result of this legislative work we have done in the last several months on this legislation, there have been friendships developed that were not there before, trust initiated that did not exist before. I say to my friends, Democrats and Republicans, this is a legislative issue. It will come back; it is only a question of when. We are only 6 months into this Congress. We have so much to do.

Hopefully, this lesson we have all learned will be one where we recognize we have to work more closely together. I hope we can do that. I say to all of you, thank you very much for your patience—the phone calls I have made; if I twisted arms, it was not very often. I so appreciate—I think I speak for all of us—being able to be part of this great Senate where we are able to participate in decisions such as this.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we go to a period of morning business with Senators permitted to speak for up to 10 minutes each, and Senator ROBERT C. BYRD be recognized to speak for double what everyone else is allowed to speak, 20 minutes.

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

The President pro tempore is recognized for 20 minutes.

The PRESIDING OFFICER. The President pro tempore is recognized for 20 minutes.

## GROWING OLDER

Mr. BYRD. Mr. President, I feel compelled to address head on, I mean head on, the news stories in recent weeks that have pointed out the shocking discovery, yes, shocking discovery, that I am growing older. Did you get that? Shocking discovery that I am growing older.

I find it no surprise, but then I have had some time to become accustomed

to the increasing distance between the year of my birth and the current date. I may not like it, but as Maurice Chevalier put it:

Old age is not so bad when you consider the alternative.

A recent Associated Press story ran in West Virginia's Charleston Daily Mail. The headline read: Dramatic change in signatures shows that age is catching up with Senator BYRD. The newspaper offered as proof the signatures on my Senate financial disclosure forms from last year and this year. It is true that this year's signature looks like I signed it in a moving car. Some days, the benign essential tremor that I have had for years now is worse than on other days, just as it is for the approximately 5 million other people in the United States who suffer from similar tremors. It is annoying, but it is hardly evidence that I am at death's door.

Nor should it come as a surprise that I use canes to help me get around or that I am not always as fast as I once was. I am not aware of any requirement for physical dexterity in order to hold the office of U.S. Senator. The often grueling hours working in the Senate requires are tough on far junior Senators, and I am no longer one of the younger Senators.

But to worry in print that I have missed one vote this year? Really. Out of more than 18,000 votes in my career, to miss one vote or two votes every now and then is surely excusable. Even old people can be allowed a sick day or two now and then, can't they?

That is really the crux of the matter. In this Internet-savvy, media-infused culture, we have forgotten that people do get older, even, dare I say it, old. Television is full of pretty young people. The few white-haired heads that one sees on television are made up and glamorous. Off camera, though, most bear little resemblance to their TV persona.

In a culture of Botox, wrinkle cream, and hair dye, we cannot imagine that becoming older is a good thing, an experience to look forward to, a state worthy of respect. If I were 50 years old and used canes due to some injury or had a disease-related tremor, the newsletter stories would be about my carrying on despite my adversities. But my only adversity is age. Age.

In real life, the lucky ones among us do get old. We move down the steep slope, to the far right of the bell curve of age. The really lucky ones, and I almost count myself among them, get to be aged, into their nineties or even older, a distinction that I think is naturally paired with the wisdom borne of experience. We do get white hair, yes. And we do get wrinkles. And we move more slowly. We worry about falling down because we do not bounce up the way we used to.

Our brains are still sharp, but our tongues are slower. We have learned, sometimes the hard way, to think before we speak. I hope, however, that what we have to say is worth the wait.

Many good things are worth the wait. Grandma Moses did not take up painting until the age of 75. She painted some 1,600 paintings, 250 of which she painted after her 100th birthday. Michelangelo was still working on frescos and sculptures when he died at the age of 89.

Age is no barrier to accomplishment. When the spirit and the mind are willing, the creative juices continue to flow. I like to think that I still have a few things left on my to-do list. I also like to think that someday our rapidly aging society will get over its fear and its denial of aging. We had better get over it quickly because the demographics tell us our senior population is rapidly growing.

If my colleagues still show deference to me, as the news article reported, I hope it is due to my experience, my position as chairman of the Appropriations Committee, and my ability as a Senator. If they are patient with me as I turn the page, I hope that is an example of the Golden Rule; that they show patience with my minor adversities of age as they hope that someday others will show to them.

After all, the Senate is not exactly full of spring chickens. You better believe it. It is not supposed to be. The Senate was designed to give age and experience a chance to flourish, and the rules give slower speakers—the rules give slower speakers a chance to be heard.

Five percent of Senators date from the roaring 1920s. All of them served in World War II. The Senate will truly lose a great generation when they decide, if ever, to retire.

Almost a quarter of Senators date from the 1930s, including many seasoned committee chairmen and ranking members. I am sure my younger colleagues on the Appropriations Committee appreciate the opportunity to play a larger role as appropriations bills move through the Senate, as the recent articles reported.

As I have gotten older, I have learned to have great trust and great respect for my colleagues, many of whom I have worked with for many years. Why is that decried as a bad thing? Why should not these fine Senators, now in their fifties through their eighties, get to spread their wings while the old wise BYRD watches?

Abraham Lincoln once rightly observed:

In the end, it's not the years of your life that count. It's the life in your years.

My only adversity—my only adversity is age. It is not a bar to my usefulness as a Senator. I still look out for West Virginia. I still zealously guard the welfare of this Nation and its Constitution. I still work every day to move the business of this Nation forward, to end this reckless adventure in Iraq, and to protect, to preserve, and defend the Constitution of the United States against all those who would reshape it to suit partisan agenda. I will continue to do this work until this old

body just gives out and drops. Do not expect that to be anytime soon.

I believe all ages and all occupations should be part of a truly representative body. I also believe society works best when the energy and idealism of youth, youth, youth, pairs with the experience and wisdom of age.

America is the land of opportunities. I don't think our some 36 million citizens over the age of 65 are disqualified from participating in the life of the country that we—we—helped to build. Our country rejected those kinds of arbitrary barriers long ago, and this Senator loudly and proudly rejects them now.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

#### BRIGADIER GENERAL KEN TAYLOR

Mr. STEVENS. Mr. President, today I pay tribute to BG Ken Taylor, who will be buried at Arlington National Cemetery later this afternoon.

From his service as a pilot during World War II to his tenure as Commander of the Alaska Air National Guard, General Taylor was always a hero—in every sense of the word, and to all who knew and loved him.

As a young boy in Oklahoma, Ken set his sights on becoming a pilot. After completing high school and 2 years of college, Ken fulfilled his dream by joining the Army Air Corps.

In April 1941, newly commissioned as a second lieutenant, Ken received his first assignment. He was stationed at Wheeler Field, on the Hawaiian island of Oahu, as a member of the 47th Pursuit Squadron. And it was there, during one of the darkest days in our Nation's history, that Ken's bravery shined brightest.

Early in the morning on December 7, 1941, after a long night of poker, dancing, and a little drinking at the officer's club, Ken awoke to the sound of low flying Japanese aircraft fighters and bombers on course to attack the Navy's Pacific Fleet at Pearl Harbor.

Ken and fellow pilot George Welch, who was staying in a neighboring apartment, took immediate action. They called ahead to their air crew with instructions to load their P-40s with fuel and ammunition.

Both pilots hurriedly pulled their evening wear back on, and sped off in Ken's new Buick toward Haleiwa Field. Dodging Japanese strafing runs and driving at speeds in excess of 100 miles per hour, they soon arrived at the airfield. The pair quickly strapped into their P-40 Tomahawks, which were fully fueled but only partially armed.

Outnumbered, outgunned, and without orders, the two pilots taxied to the runway intent on engaging the over 300 unchallenged Japanese aircraft.

Once airborne, Ken and George immediately came under fire. Ken later described the ensuing combat as "shooting fish in a barrel"—a definite understatement, as the Japanese shot

back at their pursuers. At least one round hit Ken's cockpit, embedding shrapnel in his arm and leg.

Determined to stay in the air as long as possible, Ken and George attacked a group of bombers until they ran out of ammunition. The pair then landed at Wheeler Field to resupply and refuel.

While an air crew rearmed their planes, the duo received a dressing down from a superior officer for taking off without orders. The officer also insisted they stay on the ground, but when another attack forced airfield personnel to scatter, Ken and George took the chance to get back into the fight.

With a fresh supply of .50 caliber ammunition, Ken positioned himself on the runway to take off just as a group of dive bombers flew overhead. He described his second takeoff to Army Times as follows:

I took off right toward them, which gave me the ability to shoot at them before I even left the ground. I got behind one of them and started shooting again. The only thing I didn't know at that time was that I got in the middle of the line rather than the end. There was somebody on my tail. They put a bullet right behind my head through the canopy and into the trim tab inside. So I got a little bit of shrapnel in my leg and through the arm. It was of no consequence; it just scared the hell out of me for a minute.

Before the last fires were extinguished from the remains of the Pacific Fleet in Pearl Harbor, Ken Taylor and George Welch had shot down at least eight Japanese fighters. Many believe their decision to take to the air prevented a full assault on Haleiwa, saving the field from sure destruction. By the end of the day, the two lieutenants had become America's first heroes of World War II—all while wearing tuxedo pants and a Hawaiian flower-print shirt.

For his tremendous courage under fire, Ken received the Distinguished Service Cross and a Purple Heart. But his service to this Nation was far from finished. Ken went on to fight at Guadalcanal, where he was credited with destroying another Japanese plane. After a broken leg ended his combat career, Ken returned stateside and served for 27 more years. He served in the Alaska Air National Guard.

In 1967, Ken became the Assistant Adjutant General for the Alaska Air National Guard. Before retiring in 1971, he was promoted to Brigadier General and served as the full Commander of the Air Guard.

In this capacity, Ken quickly distinguished himself as an able and respected leader. He worked closely with MG C. F. Necrason, then the Adjutant General of the Alaska National Guard, to save the Air Guard component in our State. Under Ken's direction, the reinvigorated Air Guard units provided rural Alaskans with access to health care, medivacs, and disaster relief services.

As a Senator for Alaska, it was my privilege to work with Ken on many occasions during this period. My wife

Catherine's father, Bill Bittner, Sr., was a close friend of Ken's and his fishing partner. Bill and I often spent long summer days fishing with Ken and talking about World War II.

To this day, Ken's family has strong ties to Alaska. Ken's son, Ken Jr., followed in his father's footsteps and also became commander of the Alaska Air National Guard. They remain the only father and son in our Nation's history to have achieved such an honor. Also, Ken Sr.'s grandson, Eric Taylor, now serves in the Alaska Air National Guard with distinction.

The remarkable story of Ken Taylor reminds me of a statement once made by General George Marshall. Asked if America had a secret weapon to help win World War II, General Marshall replied in the affirmative. He said we had "the best darn kids in the world."

One can't help but wonder if these words were partly inspired by Ken Taylor, who, at age 21, exemplified great courage and bravery during the battle that drew America into World War II. For those who remember, his was one of the two planes that took off in the movie entitled "Pearl Harbor."

It gives me great pride to have known this man. On this solemn day when we put him to rest, let us all take a moment to reflect on the life—and honor the memory—of this great American hero.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

#### HOMAGE TO SENATOR BYRD

Mrs. MCCASKILL. Mr. President, first, let me pay homage to the senior Senator from West Virginia who, in a typically eloquent way, spoke to the Senate about his long service to his State. Let me tell the people of West Virginia, they don't need to worry; they have a very strong Senator in this body. Any comments about his age are misplaced, because his passion and his intellectual heft and his knowledge of history and the Constitution far outweigh any considerations one would have about his age.

(The remarks of Mrs. MCCASKILL pertaining to the introduction of S. 1723 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### PROGRESS ON S. 1

Mrs. MCCASKILL. Mr. President, there are times since I have been here that I have been surprised and shocked. This week was one of them, when I saw the leader of my party rise to ask the body to send S. 1 to conference. Keep in mind what S. 1 is. S. 1 was the first piece of legislation we passed in the Senate this year. That is why it is called S. 1. Keep in mind what the vote was. It was 96 to 2. There are not going to be very many times that we do anything 96 to 2. That was months ago.