

I want to tell them and all of those other people I watched on CSPAN who are trying to undermine this law that we will not let you get away with it. American politics and the political process is too sacred for me to allow these stooges of special interests around this town to prevail and prevent us from restoring faith and confidence in the American people and their electoral system.

Again, I appreciate the patience of the Presiding Officer.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:04 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

INTERNET TAX NONDISCRIMINATION ACT

The PRESIDING OFFICER. The Senate will resume consideration of S. 150.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ANOTHER WEEK, ANOTHER CLOTURE VOTE

Mr. BYRD. Mr. President, our country is facing record budget and trade deficits. We are in a war of our President's choosing that is not, to put it mildly, going as well as had been expected. Millions of Americans are without health care and millions more worry about the security of their jobs.

These are troubled times and many issues clamor for the attention of the Senate. Yet what is the response of the Senate, the world's greatest deliberative body? Are we debating strategies to quell the violence in Iraq and bring our soldiers home? No. Are we considering plans to shore up Social Security and Medicare? No. Is the Senate deliberating on how to make America's workforce more competitive? No. Is the Senate grappling with reauthorizing welfare reform or the highway bill? No.

This great deliberative body which was forged by the Founding Fathers in the Great Compromise of July 16, 1787, has become a factory that manufactures sound-bite votes that make great fodder for 30-second political ads but which do very little to address the many challenges facing this country. If this continues, I fear that the Senate will be little more than an insignificant arm of the political parties, and we may as well lower the flag that flies over this Capitol and wave the white flag of surrender in its place.

Have we lost the will to legislate? Is the current leadership afraid to allow the Senate to work its will? The Republican leadership seems to feel that their slim majority gives them a blank check to impose their exclusive agenda. Let me be clear. It does not. The Senate, by its very existence, embodies a core tenet in American democracy; namely, the principle that the minority—the minority, the Democrats as of now, the minority—has rights. The Republican leadership is fast making the committee process a thing of the past. Furthermore, the leadership has done everything in its power to prevent Democratic Senators from getting votes on their amendments.

The United States is faced with a trade deficit that has mushroomed to an all-time high for the third year in a row. Adding to that unfortunate situation, in August 2002, the World Trade Organization authorized the European Union to impose up to \$4 billion in trade sanctions against the United States if provisions of the Tax Code were not repealed. How about that?

The distinguish Republican leader brought up the Foreign Sales Corporation legislation to address this situation only after the sanctions were in place. After votes on only two amendments, the majority wanted to shut down the amendment process—shut it down. Many reasons were given, but the truth is that they did not want to vote on an amendment dealing with overtime rules for American workers. Yes, the American workers. While American companies are losing their competitive edge, the “my way or the highway” approach of the leadership has delayed a final resolution on this bill.

In the past, cloture was a rarely used procedural tool. When I came to this Senate, it was rarely used—only once in a while. Not so today. Cloture is routinely filed in an attempt to limit non-germane amendments. Instead of the phrase, “another day, another dollar,” the Senate operates in an atmosphere of “another week, another cloture vote.”

Last November, we had three cloture votes in one day. What great hopes the leadership must have had for the first two votes to schedule three in a row. How can such a move be seen as anything more than political scorekeeping?

This Senate has spent an extraordinary amount of time and energy and effort on President Bush's judicial nominees. In fact, last November the Senate set aside the VA-HUD appropriations bill to hold an overnight marathon stunt—something to watch indeed, something to watch. What a sham. The majority actually set aside substantive legislation to conduct a circus—a circus—on the floor of the Senate.

The VA-HUD appropriations bill was never completed. Instead, it was rolled into the Omnibus appropriations bill, as has become the unfortunate custom

in recent years. We have had 17 cloture votes on 6 controversial and problematic nominees. The response of the Republican leadership and the administration has not been to address the fundamental underlying concerns raised by various Senators. Oh, no, no negotiation. Instead, they choose the course of holding cloture vote after cloture vote and then bash Democratic Senators as obstructionist. And just for good measure, the President, who has had 96 percent of his judges confirmed, moved two of these divisive nominees on to the bench in recess appointments.

Now, I do not pretend that the conflict over judicial nominees began in this Senate or with the President, but I will state that this Senate leadership and this President have worked in concert to further politicize the process by which we select members of the judiciary.

And it is not just with judicial nominees that the Republican leadership is doing the White House's bidding. The Republican leadership is controlled by this White House—controlled by this White House. Rather than have a legislative branch which crafts a bill and then sends it to the President to sign or veto, this Republican leadership in the Senate and in the House has allowed this President to control both ends of Pennsylvania Avenue.

During the conference on the Omnibus appropriations bill, the Republican majority allowed this White House to assert itself and put in provisions that had been rejected by one or both Houses. Specifically, the provision to allow increased concentration of media ownership had been rejected by both the House and the Senate. However, it was included in the bill at the behest of the White House. Shameful. Yes, shameful.

The House and the Senate were both on record as opposing overtime regulations proposed by the Bush administration. Nevertheless, at the urging of the Bush White House, language to block implementation of these regulations was dropped from the conference report—dropped from the conference report.

Another example of allowing the Bush White House to dictate the legislation produced by the Congress is the highway bill. Here is a bill that is important to every State and every person in the Union. Every Senator's State will benefit from this bill. The transportation bills passed the House and the Senate by wide bipartisan majorities, majorities that could easily override a veto. Yet we are stalled because the Bush White House is demanding that the cost of the highway bill be significantly lower than what was passed by both Houses of Congress.

This White House, under the Bush administration, has threatened a veto if the cost of the bill is over its chosen number. What is meant by “its”? Under the White House's chosen number. Big daddy down at the White House, big daddy.

And what is the reaction of the Senate leadership to such an outrageous, outrageous, outrageous demand? Did the Senate stand its ground? No. The White House offers a disapproving nod and the Senate leaders scurry like mice, taking the offensive proposal off the table.

It was not always like this. There was a time when the Senate was an independent body, not the errand boy of the White House. It was not always like that. It was not always that the executive branch effectively dictated what provisions the Congress included in conference reports. No, this is not how the Senate is supposed to work.

The Senate is like a broken bone today. Left untreated, we risk that this body will be permanently weakened, never again able to do the work and bear the load for which it was designed.

I say that we must set the Senate back on course and allow it to knit back together. The current path is reckless, unsustainable, and unwise.

The record of this Senate is abysmal. Time after time, on issues such as medical malpractice, asbestos reform, and many others, the Republican leadership has abandoned the committee process of the Senate to bring partisan, divisive bills to the floor to make a political statement and to score political points with supporters.

One might dismiss the polarization of this body as a product of the Senate being so closely divided. But this leadership has allowed external forces—most notably pressure from the White House—to seep into the dealings of the Senate.

Is the leadership unaware that the Constitution has separate articles for the legislative and the executive branches? This is the Constitution. I hold it in my hand. It has separate titles for the executive and the legislative branches, does it not, Mr. MCCAIN, my friend from Arizona? Separate titles. What branch does it mention first? Not the executive branch. No, not the executive branch. No, it mentions first the people's branch and then the executive branch and then the judicial branch.

What has become of civility in this branch? That is a great question. One could spend a day talking about that. What has become of civility, old-fashioned civility? What has become of comity? What has become of comity in this branch? It used to be unheard of for Senate leaders to seek an active role against each other in campaigns. That time has apparently gone. Has honor gone, too? Who cares about honor when a Senate seat might be gained? When did party labels become more important than honor and the power of ideas?

Gone are the days in which there was genuine debate. Gone are the days when Senators listened to the give and take of the discussion to learn about an issue. And sadly, many of the votes that we take have a predetermined outcome. Yet they are brought to the

floor—and this goes for both sides of the aisle—to try to get Senators on record as voting for and against such-and-such.

Bills are brought to the floor. Amendments are offered to create a public record that can be touted or attacked come campaign season. In all this sound bite and fury, the losers are the people, the people out there who are watching through those electronic lenses. They are the losers. The losers are the people whom we represent, the people who send us to this body to act in their best interests, not to squabble and point fingers like petulant children.

That is where all of these shenanigans play out, in front of the American people—people who need affordable health care or help putting their children through college, people who are afraid that their jobs will be sent overseas or that they will lose the pay and the benefits they have worked hard to secure, people on Medicare, people on Social Security, people who worry about whether Medicare and Social Security will be there when it is time for them to retire, people who have sent their sons and daughters to fight in the hot sands of the Middle East halfway around the world and who are afraid that their sons and daughters may not come home.

I have served in this Chamber for more than four decades. Times have changed. The world has changed. But our responsibilities and our duties, may I say to the distinguished Senator from Oregon, Mr. SMITH—who always is so nice to his colleagues, always has a smile. I like him. He is always a gentleman. What better can be said about one? Our responsibilities and our duties as Senators have not changed, may I say to my friend, Mr. SMITH.

Long after the campaign of this November or the campaigns of many Novembers to come, each Senator in this body will look back at the content of his or her career and judge whether they made our country a better place. The people send us here to do a job. They do not send us here to play with their lives or their children's lives or to score political points.

It is difficult in this world of instant gratification to think beyond the moment, to think beyond the immediate, but we should all pause for a moment and reflect on the Senate.

The Senate is an institution that relies on precedent. What kind of precedent is being set here?

In my many years in this body, I have spent approximately two-thirds of my time in the majority and one-third in the minority. The majority is better, by the way. I would say to the Republican leadership that it is unlikely that they will always be in the majority. There will come a time when they may appreciate once again the rights afforded to the minority. We all need to spend a little time thinking about how it may feel once again to be in the other guy's shoes, and about what our

silly, silly, little selfish games are doing to the soul of this Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, I am going to yield to the Senator from Arkansas, and I hope to speak after him.

Briefly, I wonder if the Senator from West Virginia would permit me to thank him for his kind words. I have heard Senator BYRD many times speak about his mother. In hearing his speech today, from a statesman such as he, he is uniquely qualified to remind us Senators as to our institutional responsibility and the importance of remembering civility.

I remember when my mother used to say: "Gordy, the best way to ruin a good story is to hear the other side." I have remembered so much else that she taught me while she was alive about treating others as I would like to be treated. I appreciate Senator BYRD's civility on every occasion on which I have ever dealt with him. We don't vote much the same, but I will tell you, we both care about coal miners, we both care about timbermen, or lumbermen, we care about people who love the land. In all of my dealings with him, he has always been civil and set that example.

For that, I publicly express my appreciation and thank you, sir, for your kind words.

Mr. BYRD. Mr. President, the Senator from Oregon, as I have already indicated, is a gentleman. I think—in fact I know—that if all Senators accorded to their fellow Senators and fellow men and women the graciousness that he accords us, not only the Senate but the Nation would be a better place in which to live. I like him. I like him for what he is, for what he appears to be. As I said earlier, he is a gentleman.

There seems to be, as I have found, something bigger and better than a political party. His political party does not seem to be the end-all, not the beginning of everything. He seems to be something even bigger and better than his political party. I appreciate that, I commend him for that, and I wish in many ways that I could be the man that he is. I remember those lines, "You are a better man than I am, Gunga Din." The Senator from Oregon sets a fine example. I thank him for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I notice that today we have a number of schoolchildren watching the proceedings. It is always great to have people here watching in on us and watching what we do and hopefully keeping us accountable. I hope they realize and appreciate the greatness of the Senator from West Virginia and his wisdom and counsel. I hope they also will recall the teaching in the Bible about respecting your elders. I can say that there is no Senator in this body that we, the body,

have more respect for than the Senator from West Virginia. So we thank him for those comments.

HONORING OUR ARMED FORCES

Mr. PRYOR. Mr. President, today I rise to talk about the ongoing war in Iraq, but more importantly to recognize a few of those soldiers who sometimes get lost in the mounting rolls of casualty listings and to speak to the reality of war as seen through the eyes of a State that has a long tradition of sending young men and women onto the battlefield.

I have been in every county in my State many times, and I cannot think of one county in Arkansas that does not have some sort of war memorial. In fact, most of those are at the county courthouse. In fact, War Memorial Stadium is in Little Rock; it is where the Razorbacks play their games. You can go all over the State and see memorials to men and women who have served and died in World War I, World War II, the Korean War, Vietnam, and now we are adding memorials for those who have died in Iraq. In fact, in some parts of Arkansas, you can visit the graves of Revolutionary War soldiers who actually—even though Arkansas wasn't even a State or a territory during that time, we have taken those graves, honored them, and we are proud that they migrated to the area known as Arkansas. We feel connected to the Revolutionary War through them.

Sometimes it is easy to feel disconnected from the war effort. Even though there is 24-hour news coverage dominated by visions of our men and women in uniform fighting for freedom in Iraq, the pictures, words, and stories can have a numbing effect. We start paying attention to other matters, and we try to live our daily lives and try to put the echoes of war in the background. But sometimes all it takes is one event to snap us back, to grab our attention and make us more attuned to the conflict we face.

The tragic events in Iraq in April have brought with it 115 American military fatalities; major combat in Fallujah; and a rush of kidnapping, bombings, and other insurgent attacks that have terrorized not just American soldiers but innocent Iraqis.

April has also brought our full attention as a Nation back to the war in Iraq. Almost a year later, we fully realize there is still work to be done militarily and diplomatically, and that our mission is not yet accomplished.

As for the citizens of Arkansas, we have in the past few weeks experienced both the joy and pain that is associated with being a standard bearer for freedom and democracy. We are a country that has and will continue to risk life and limb, not only to protect our freedom and liberty but to extend those same opportunities to all people in all places. It is something of which we can and should be proud. But as we know, it often comes with the most precious sacrifice.

On April 22, we were fortunate enough to welcome home 106 Army National Guard soldiers, members of the 1123rd Transportation Company based in Marked Tree, AR, and Blytheville, AR. Also, more than 60 Army Reserve soldiers from Company C of the 489th Engineer Battalion returned to their home bases in Arkansas last week after spending more than a year in Iraq. These units spent more than a year in Iraq helping rebuild Iraqi cities, providing protection and logistical support, and destroying enemy weapons.

I commend these men and women for their brave service. Some of them were away from their families for far longer than they expected, but they are now home, and I, along with all Arkansans and all Americans, welcome them back.

Mr. President, while Arkansans rejoiced in the news of having a collection of our men and women return safely, we at the same time faced the harsh reality that some of our men and women would pay the ultimate sacrifice for freedom.

On Saturday, April 24, four soldiers, all members of the Arkansas Army National Guard's 39th Infantry Brigade, were killed in Taji, Iraq, as a result of hostile fire when rockets hit their camp. An additional soldier was killed a day later when a roadside bomb detonated near Sadr City.

To let my colleagues know, there are approximately 4,200 troops in the 39th Infantry Brigade, including about 2,800 Arkansans from 47 hometown units. The balance of the troops are from 10 other States.

The 39th was officially called to active duty last September, and I watched their progress as they trained and prepared to fulfill their mission.

In January, I traveled to Fort Hood, TX, to visit troops from the 1st Cavalry Division and the 39th Infantry Brigade. During my trip, I witnessed demonstrations of topnotch training and cutting-edge equipment that will enable these soldiers to successfully carry out their mission in Iraq.

I again visited them at Fort Polk, LA, with other members of Arkansas's congressional delegation. I was truly proud of what I witnessed. I saw Arkansans who had undergone long days of training and preparation and were aware of the dangerous conditions and challenges that lay ahead for them in Iraq. However, they remained in high spirits and were determined to carry out their mission.

I am inspired by these men and women, patriots all, who have taken determination and commitment to a new level. I know the sacrifice and the dedication of the 39th will help bring stability and democracy to the streets of Iraq.

We wished these soldiers well, knowing it was a matter of days before they would be sent to Iraq. In March, they were sent over. Since their departure, we have all gone to bed with prayers in our minds and hope in our hearts that

all the members of the 39th would return home safely. The events of the past few weeks have prevented this from happening, although we remain hopeful.

I stand here today to extend my deepest sympathies to their families and honor them for their commitment and sacrifice. The brave men and women who have surrendered their lives this weekend so others might enjoy freedom include:

U.S. Army CPT Arthur "Bo" Felder, 36, of Lewisville, AR. He had served in the National Guard since 1986, a year after he graduated from Lewisville High School. Felder served as a youth director at St. Luke Missionary Baptist Church in North Little Rock.

U.S. Army CWO 3 Patrick Kordsmeier, 49, of North Little Rock, AR, who died tending the soldiers injured in the first blast when he was killed by a second attack. He was up for retirement before the war in Iraq began, but he asked for an extension so he might serve. He was born in Little Rock. He reminds me of that phrase in the Bible where it talks about there is no greater love than one who lays down his life for a friend. That is exactly what he did;

U.S. Army SSG Stacey Brandon, 35, of Hazen. He was a prison guard for the Arkansas Department of Correction and later worked at the Federal prison in Forrest City;

U.S. Army SSG Billy Orton, 41, of Humnoke, AR. His wife and children reside in Carlisle, AR, and his mother in Hazen;

U.S. Army SP Kenneth Melton, 30, of Batesville, AR. Melton was traveling as part of a protection team with battalion leaders when a roadside bomb exploded, taking his life.

The events of this past weekend almost double the number of troops my State has previously lost during the war in Iraq. Arkansas has lost eight soldiers prior to this weekend.

To put this in perspective, no single day during Vietnam saw as many Arkansans killed by hostile fire as this past Saturday. In fact, Saturday's events are the bloodiest for Arkansas's soldiers since December 2, 1950, when five Arkansans were killed during combat in Korea.

I also honor the other eight soldiers who gave their lives during combat in Iraq. They include:

U.S. Army SFC William Labadie, 45, of Bauxite, AR, who died 2 weeks after being deployed. Labadie was also assigned to the 1st Cavalry, 39th Brigade, Troop E-151 Cavalry, Camp Taji in Kuwait;

U.S. Army SP Ahmed "Mel" Cason, 24, died on April 4 in Baghdad. He was assigned to the 2nd Battalion, 5th Cavalry Regiment, 1st Cavalry Division in Fort Hood. Cason grew up in McGehee and many of his relatives now live in Maumelle, AR;

U.S. Army 1LT Adam Mooney, 28, of Cambridge, MD. His helicopter went down in the Tigris River in Mosul,