

paramilitary soldiers. A ferocious firelight ensued, but Hodges never left the side of his vehicle. Puffing on a cigar as he directed the action, Hodges remained constantly exposed to fire. When two Kiowa helicopters swooped in to pulverize the enemy strongpoint with rocket fire, he turned to some journalists watching the action and quipped, "That's your tax dollars at work."

Bravery inspires men, but brains and quick thinking win wars. In one particularly tense moment a company of U.S. soldiers was preparing to guard the Mosque of Ali—one of the most sacred Muslim sites—when agitators in what had been a friendly crowd started shouting that they were going to storm the mosque. In an instant, the Iraqis began to chant and a riot seemed imminent. A couple of nervous soldiers slid their weapons into fire mode, and I thought we were only moments away from a slaughter. These soldiers had just fought an all-night battle. They were exhausted, tense, and prepared to crush any riot with violence of their own. But they were also professionals, and so, when their battalion commander, Chris Hughes, ordered them to take a knee, point their weapons to the ground, and start smiling, that is exactly what they did. Calm returned. By placing his men in the most non-threatening posture possible, Hughes had sapped the crowd of its aggression. Quick thinking and iron discipline had reversed an ugly situation and averted disaster.

Since then, I have often wondered how we created an army of men who could fight with ruthless savagery all night and then respond so easily to an order to "smile" while under impending threat. Historian Stephen Ambrose said of the American soldier: "When soldiers from any other army, even our allies, entered a town, the people hid in the cellars. When Americans came in, even into German towns, it meant smiles, chocolate bars and C-rations." Ours has always been an army like no other, because our soldiers reflect a society unlike any other. They are pitiless when confronted by armed enemy fighters and yet full of compassion for civilians and even defeated enemies.

American soldiers immediately began saving Iraqi lives at the conclusion of any fight. Medics later said that the Iraqi wounded they treated were astounded by our compassion. They expected they would be left to suffer or die. I witnessed Iraqi paramilitary troops using women and children as human shields, turning grade schools into fortresses, and defiling their own holy sites. Time and again, I saw Americans taking unnecessary risks to clear buildings without firing or using grenades, because it might injure civilians. I stood in awe as 19-year-olds refused to return enemy fire because it was coming from a mosque.

It was American soldiers who handed over food to hungry Iraqis, who gave their own medical supplies to Iraqi doctors, and who brought water to the thirsty. It was American soldiers who went door-to-door in a slum because a girl was rumored to have been injured in the fighting; when they found her, they called in a helicopter to take her to an Army hospital. It was American soldiers who wept when a three-year-old was carried out of the rubble where she had been killed by Iraqi mortar fire. It was American soldiers who cleaned up houses they had been fighting over and later occupied—they wanted the places to look at least somewhat tidy when the residents returned.

It was these same soldiers who stormed to Baghdad in only a couple of weeks, accepted

the surrender of three Iraqi Army divisions, massacred any Republican Guard unit that stood and fought, and disposed of a dictator and a regime with ruthless efficiency. There is no other army—and there are no other soldiers—in the world capable of such merciless fighting and possessed of such compassion for their fellow man. No society except America could have produced them.

Before I end this I want to point out one other quality of the American soldier: His sense of justice. After a grueling fight, a company of infantrymen was resting and opening their first mail delivery of the war. One of the young soldiers had received a care package and was sharing the home-baked cookies with his friends. A photographer with a heavy French accent asked if he could have one. The soldier looked him over and said there would be no cookies for Frenchmen. The photographer then protested that he was half Italian. Without missing a beat, the soldier broke a cookie in half and gave it to him. It was a perfect moment and a perfect reflection of the American soldier.

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### HONORING JUAN MARTIN CASTILLO

#### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 6, 2003*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Juan Martin Castillo, the recipient of the 2003 Human Relations Award given by the Orange County Human Relations Commission.

The recipients of the Human Relations Awards are named for making significant contributions to the county, by demonstrating commitment to human and civil rights, and by fostering respect and understanding among people of all backgrounds.

Mr. Castillo has met all of the above. He organized the very first meetings of the Latino branch of the Orange County Parents, Families and Friends of Lesbians and Gays.

With Mr. Castillo's help and dedication to the organization, monthly meetings consist of dozens of parents and friends who gather to share stories and laughter, and to offer support.

I am very proud of the work Mr. Castillo has done in his community. I commend him for his work to make our world a more tolerant place to live.

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### BLACK LUNG BENEFITS SURVIVORS EQUITY ACT

#### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 6, 2003*

Mr. RAHALL. Mr. Speaker, today I am reintroducing legislation aimed at providing equity in the treatment of benefits for eligible survivors of recipients of black lung benefits.

By way of background, in 1981 the Black Lung Benefits Act was amended in several respects at the urging of the Reagan Administra-

tion. The driving motivation for this legislation at the time was to shore up the finances of the Black Lung Disability Trust Fund through which benefit payments are made to beneficiaries where mine employment terminated prior to 1970, or where no mine operator can be assigned liability.

After the enactment of this legislation, administrative actions and a number of extremely harmful court decisions made it extremely difficult, if not almost impossible, for those suffering from the crippling disease of black lung to qualify for benefits. However, today, a large number of the problems claimants faced have been remedied by a Clinton Administration rulemaking that was finalized on December 20, 2000.

Yet, two provisions of the 1981 Act in particular continue to be most troublesome, and largely impact, in a very adverse way, surviving widows of coal miners who die as a result of black lung disease.

As it now stands, due to the 1981 amendments, there is a dual and inequitable standard governing how benefits are handled for surviving spouses of deceased beneficiaries. In the event a beneficiary died prior to January 1, 1982—the effective date of the 1981 Act—benefits continued uninterrupted to the surviving spouse.

However, if the beneficiary dies after January 1, 1982, the surviving spouse must file a new claim in order to try to continue receiving the benefits and must prove that the miner died as a result of black lung disease despite the fact that the miner was already deemed eligible to receive benefits prior to death. This is illogical, unfair and outlandish.

In addition, as a result of the 1981 law, there is also a dual and inequitable standard governing the basis by which a miner or his widow is entitled to benefits under the Act. For pre-1981 Act claimants, a rebuttable presumption of the existence of black lung disease is established if the miner worked for 15 years or more in underground coal mines and if over evidence, such as an X-ray, demonstrates the existence of a total disability respiratory or pulmonary impairment. This rebuttable presumption, however, does not apply to post-1981 Act claimants.

The legislation I am introducing today removes the requirement that a surviving spouse must refile a claim in order to continue receiving benefits. It also applies the rebuttable presumption of black lung disease for pre-1981 Act claimants to those filed after the effective date of that statute.

This is a fair and just proposal, and one which should have been enacted years ago. In fact, I have introduced various black lung bills since 1988. During the early 1990s the House of Representatives on two occasions passed reform legislation. Much of what was contained in these comprehensive reform bills was finally addressed by the Clinton-era rulemaking. However, the subject matter of the bill I am introducing today demands action by the Congress.

I urge the leadership of this body to consider this matter, and to allow this bill to be acted upon this year.