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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 20, 2004, at 2 p.m.

Senate

MONDAY, APRIL 19, 2004

The Senate met at 1 p.m. and was called to order by the Honorable GORDON SMITH, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and Sovereign Spirit, who flawlessly expresses Your glory in the beauties of the sea, land, and air, thank You for ceaseless streams of mercy and for Your love manifested in the priceless gift of sacrifice. Thank You for walking with us each day, radiating the brightness of Your glory to illuminate our shadowed paths with praise.

Lord, we praise You that You focus Your might into the lives of common people with profound needs—freeing prisoners of addictions and giving sight to those who live without faith. Lead our Senators today along productive paths that benefit Your kingdom. Give them favor and stamina as they seek to keep America strong. Be for them a strong shelter in times of trouble, danger, and stress.

Remind each of us that every advantage life can offer is like rubbish compared with the overwhelming gain of knowing You. We pray this in Your glorious name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GORDON SMITH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 19, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GORDON SMITH, a Senator from the State of Oregon, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SMITH thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican whip is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today the Senate will be in a period for morning business. The majority leader has stated it is our intention, it is our hope to proceed to consideration of S. 2290, the asbestos bill, today. Although we do not yet have an agreement on proceeding to the bill, we are con-

tinuing to work with our Democratic colleagues in an effort to move forward with that important legislation.

Although we will be in a period for morning business, Senators will be able to come to the floor today to deliver statements on the asbestos bill. As the leader announced before we recessed for the Easter holiday, there will be no rollcall votes today.

RECOGNITION OF THE DEMOCRATIC LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I welcome back the distinguished assistant Republican leader and the Presiding Officer.

I come to the floor today to say a few words about what I believe is one of the most difficult issues to talk about in the ongoing conflict in Iraq. My remarks will not address whether I support our troops in Iraq, because I do. All Americans, I believe, are awed by the courage and sacrifice of our troops in Iraq. My remarks will not address whether I am concerned about the administration's failure to honor its commitment to our troops that they would be required to serve no more than 365 days "boots on the ground," because I am. My remarks will not address whether I believe it is essential that we win the fight to bring democracy, stay the course in Iraq until we see Iraq on the road to democracy, because I do. Instead, I rise for the sole purpose of acknowledging the terrible, growing toll this war is taking on some of

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



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America's finest citizens and their families.

More than 700 American troops have died in the war, and this month, as we all know, has been the deadliest month for U.S. soldiers in Iraq. More than 100 Americans soldiers have been killed in Iraq since April 1. Twelve more brave soldiers lost their lives in Iraq this past weekend.

I come to the floor to pay tribute to the sacrifice of these soldiers. They sacrificed everything because our Nation asked them to, and we owe them an enormous debt of gratitude. I say to the grieving families of our fallen heroes: America is with you in sorrow, and we will not forget you or the loved ones you have lost.

On Holy Thursday, April 8, on the western outskirts of Baghdad, on the road to Fallujah, Marine Lance Corporal Levi Angell died when the Humvee he was riding in was hit by a rocket propelled grenade. He was 20 years old. After learning of his son's death, Levi Angell's father stood outside the family's home in St. Louis, MN, clutching an 8-by-10-inch photo of his son close to his heart. "This was my son," he told reporters. "I am as proud as proud can be of that young man." He added, "It's a sad, sad day. This is a sad, sad country right now."

This is a sad, sad day in South Dakota, too. Last night, we learned that one of the 12 American soldiers killed in Iraq this past weekend was a member of the South Dakota National Guard. Army Specialist Dennis Morgan was the sixth South Dakota soldier to die in Iraq and the first member of the South Dakota National Guard killed in this war. A military spokesman said he was helping clear mines and explosives Saturday when a roadside bomb went off. He was 22 years old, and married.

He joined the Guard immediately after graduating from high school in Winner, SD, class of 2000. He had been in the Middle East for just under 2 months. Today, South Dakotans are mourning Specialist Morgan's death, and praying that his family can find some comfort for their sorrow. We also pray for the safety of the soldiers who remain in Iraq.

I want to say a few words about some of the other fallen American heroes who lost their lives in Iraq this month.

Marine Private First Class Dustin Sekula, of Edinburg, TX, was killed by enemy fire in Fallujah on April 1. Private First Class Dustin Sekula graduated from high school last year and gave up a full college scholarship to join the Marines. The father of a high school friend told his hometown newspaper, "He was worth his weight in gold. He would try to conquer anything they would throw at him."

Twelve American soldiers died in Iraq on April 4, Palm Sunday. Eight of those soldiers died together in a battle with militia loyal to Shiite cleric Muqtada al-Sadr in Sadr City, a Shiite slum on the outskirts of Baghdad. The soldiers were part of a quick response

team that rushed to rescue a platoon pinned down by gunfire in Sadr City.

Seven of the eight were members of the Army's 2nd Battalion, 5th Cavalry Regiment, 1st Cavalry Division. They had been in Iraq less than 3 weeks. They were: Specialist Casey Sheehan, 24, from Vacaville, CA; Specialist Dustin Hiller, 25, of Opelika, AL; Specialist Ahmed Cason, 24, of McCalla, AL; Corporal Forest Jostes, 22, of Albion, IL; Sergeant Yihjyn Chen, 31, from Saipan, Marianas Protectorate, who spoke five languages and became a U.S. citizen in the Army; and Private First Class Robert Arsiaga, and Specialist Israel Garza, two West Texans, both 25, both married, who became best friends at Fort Hood.

At a memorial service in Baghdad for the fallen seven, their Battalion commander, Lieutenant Colonel Gary Volesky, said, "Uncommon valor was common that day."

The eighth soldier killed in the firefight in Sadr City, Sergeant Michael Mitchell, 25, of Porterville, CA, was with the Army's 1st Armored Division. He had been in Baghdad for 11 months and had re-enlisted 3 months before he died. His father joined hundreds of other people marching in a peace rally in San Luis Obispo on the first anniversary of the war. Bill Mitchell told reporters, "I said, 'Bring my son home now.' I should have said, 'Bring my son home alive.'"

Seven American soldiers died in Iraq on Monday, April 5, Passover. Among them was Army Sergeant Lee Todacheene, of Farmington, New Mexico, a member of the Army's 1st Infantry medic unit. He was killed instantly when mortar fire hit his guard post in Balad.

Sergeant Todacheene was the nephew of Navajo Nation Vice President Frank Dayish Jr., through Dayish's wife, Virginia. He is the third Native American soldier to die in Iraq. Army Specialist Lori Piastawa, a member of the Hopi tribe killed last March, was the first woman killed in combat in the war. Sheldon Hawk Eagle, a member of the Cheyenne River Sioux Tribe in South Dakota, died last November.

Leaders of the Navajo Nation praised Todacheene as a "Navajo warrior" who "went to war not to hurt, but to help." His younger brother, Rydell, said, "He was proud to be in the U.S. Army and a medic. He was proud to be a Navajo. He believed he was doing some good in Iraq when everyone thought it was wrong. He was a quiet man. He was a strong man, a gentleman. He respected himself and everybody. He was generous and kind, and he loved his family above everything else."

Tuesday, April 6, was one of the deadliest days of fighting in Iraq since the fall of Saddam Hussein's regime. Thirteen Americans died in Iraq that day. Among them were two 18-year-old Marines, both killed by hostile fire in Fallujah.

Marine Lance Corporal Anthony Roberts, of Bear, DE, was a member of the

Air Force ROTC in high school. In an interview with the Philadelphia Inquirer, his former ROTC instructor recalled Lance Corporal Roberts as "the rare recruit who seemed not to care about the steady employment, decent pay and educational benefits that the military offers. He only talked about serving his country."

Marine Private First Class Ryan Jerback was from Oneida, WI. He was killed by hostile fire in Fallujah. His father told the Green Bay Press Gazette that his son told him, "Dad, maybe I can go over there and make some change. Maybe I can do something with the people and show them that we're not animals here, you know?"

"He gave everything he had," his father said, "and it cost him his life."

Six American soldiers died in Iraq on April 7. Among them was Army Staff Sergeant George Scott Rentschler, of Louisville, KY. He was checking on his platoon members, who were working at a checkpoint, when a rocket propelled grenade hit the side of a tank in which he was riding. Iraq was his second war. He had also served in Bosnia.

His mother told the Louisville Gleaner, "He always told me that the only way he would get hurt was if they took a rocket to the side of his tank. That's what happened."

Staff Sergeant Rentschler had been scheduled to leave Iraq today. He was 31 years old. He leaves a wife and two sons, ages 12 and 5.

Eight Americans died in Iraq on April 8, Holy Thursday. Marine Staff Sergeant William Harrell, 30, Placentia, CA, was one of them. He was killed by hostile fire in Fallujah.

His widow, Kelli, told the Associated Press that when she broke the news to her 7-year-old son, he asked her, "If (Daddy) just got shot, can't they help him?" She replied, "Daddy can't be helped right now. Daddy's with God."

Thirteen American soldiers died on April 9, Good Friday. Among them was Army National Guard Specialist Michelle Witmer, of New Berlin, WI, who died when her Humvee was ambushed in Baghdad.

Michelle's 24-year-old sister, Rachel, served in the same unit, the 32nd Military Police Company. Her twin sister, Charity, was sent to Iraq last year as a medic. The sisters and the rest of the Witmer family is agonizing now about whether they should rejoin their units in Iraq. Michelle Witmer was one of at least two women, and four National Guard members, killed this month in Iraq.

Eight American soldiers died in Iraq on Easter Sunday, April 11. Army Sergeant Major Michael Stack and Marine Lance Corporal Torrey Gray were among them. Sergeant Major Stack, a Special Forces soldier, was 48, a father of six and grandfather of three. Lance Corporal Gray was 19; he was on his second tour in Iraq. They both died from hostile fire, in separate incidents, in Fallujah. As word of Lance Corporal

Gray's death spread through his hometown of Patoka, IL, a small town about 60 miles east of St. Louis, village officials put up the "Avenue of Flags," an observance usually reserved for national holidays.

Army Specialist Richard Trevithick, of Gaines, MI, was one of two U.S. soldiers killed in Iraq on April 14. The 20-year-old combat engineer died when an improvised explosive device exploded near his Humvee in the city of Balad. The explosion caused massive damage to his chest and killed him instantly. He had been in Iraq 2 months.

His father told the Associated Press, "You hear it, you process it, you understand the words, but the impact doesn't hit you. You wake up in the morning thinking it was a mad dream, then realize it was not."

As I said, I support our troops and what they are trying to accomplish in Iraq—under the most difficult of circumstances.

The reality is that this war requires almost no sacrifice for the overwhelming number of Americans. Our lives are undisturbed. But the Americans I pay tribute to today sacrificed everything they had. They are heroes and an inspiration. May we never forget and may we always cherish their valor and their sacrifice.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak up to 10 minutes each.

SUPPORT FOR OUR TROOPS

Mr. HATCH. Mr. President, I listened to the comments of my dear friend, the distinguished Senator from South Dakota. I share his grief and his concerns over how many of our young people have sacrificed their lives for all of us. There is no question about it; these are heroes to all of us. As the son of parents who lost their only other son in the Second World War, I know a family's grief over such a devastating loss. We know what it is like to have a son missing in action and, whose remains were found 2 years later. Our family had to go through all of the pain, difficulty, grieving, and remorse. But all of that didn't take away the fact that my brother, Jesse Moreland Hatch, was a great hero like so many others who died in all of our wars, but in World War II in this particular case, and the 50,000-plus young men and women who died in Vietnam.

These young people are doing the Lord's work. They deposed a tyrant that killed hundreds of thousands of

his own people and threatened the whole Middle East, and, by his association with terrorists at war with us, threatened us. Our heroes are fighting to bring stability to the Middle East, and they have put pressure on all of the tyrannies of the Middle East. They have taken a stand against tyranny, against terrorists, and for the prospect of decent societies throughout that region.

I have seen letter after letter of people who have served in Iraq who have made it very clear that the work they are doing is work for all of us, and we ought to be proud. They are helping people to find themselves in decent and safe societies. They are helping people down the road to freedom. They are helping people who have never understood what it is like to have a free market economy. They are helping people for the first time in their lives to have some sort of hope that they might be free—and free from brutality, terrorism, vindictive treatment, murder, and death.

Our young men and women understand that what they are doing is very important; and it is important for everybody in America to stand with them. It is important for everybody in America to realize that we pay extraordinary costs, borne by the families who lost their loved ones in order to stand up for freedom.

In this particular case, I think it is pretty hard to make a case that we shouldn't be there. It is pretty hard to make a case that we shouldn't have deposed Saddam Hussein. It is pretty hard to make a case that we shouldn't be trying to bring some sort of representative form of government to Iraq and, therefore, the whole Middle East. It is pretty hard to oppose the fact that our young men and women are serving with distinction for a good cause. It is pretty hard to make some of the ridiculous arguments that have been made by those who are opposed to U.S. involvement anywhere.

I want to pay tribute to these young men and women who are serving over there, and also to the civilians who are serving over there. They may be getting paid for their jobs, but it is a dangerous place—at least some areas are very dangerous—to be. But what they are doing is critical to our security. I think they deserve the applause of all of us and the support of all of us.

I hope all of our colleagues will always continue to support not only our troops over there but also our President who has all that any President really needs to handle.

OAK HILL

Mr. DEWINE. Mr. President, I will take a few minutes today to report on the very shocking and troubling situation right here in our Nation's Capitol. I am speaking of the situation of the District of Columbia's juvenile detention center known as Oak Hill.

Right before the Easter recess I visited the center. Also, as chairman of

the Appropriations Subcommittee on the District of Columbia, I held a hearing to review the operations of Oak Hill. Actually we held the hearing first. As a result of that hearing, I then made a point to personally visit Oak Hill. Based on what I saw at this juvenile facility and the testimony we heard at a hearing, it is clear to me Oak Hill is not meeting the needs of the children it serves, that the conditions there are abysmal to say the least, and this place simply needs to be shut down once and for all.

At our hearing the inspector general for the District of Columbia released a comprehensive report about the situation at Oak Hill. Let me mention some of the more egregious deficiencies outlined in that report. First, illegal drugs such as marijuana and PCP were regularly smuggled into Oak Hill in the past. In some cases, youth correction officers in the past were the source of some of the illegal substances. That is a rather shocking thought, that the correctional officers were the sources of some of these illegal drugs actually coming into this juvenile detention facility. Substance abuse treatment contractors actually refused to renew contracts because Oak Hill was unable to stop the influx of drugs.

They also found some youths entering Oak Hill drug free actually started taking drugs once they were inside the facility because they had easy access to drugs there.

They also found the Youth Services Administration, which runs Oak Hill, wasted millions of dollars on contractors who did not provide any meaningful services or deliverables.

During this hearing Senator LANDBRIEU and I held, the director of the Public Defender Service of the District of Columbia testified the Youth Services Administration has failed to protect youths from harm while under its care. For example—this is a very sad story—last year a 12-year-old held at Oak Hill overnight, not accused of any crime, was placed in a room with two other children. This 12-year-old was sexually assaulted by one of the other youths.

Several months later a 13-year-old was arrested and held at Oak Hill waiting for shelter space to be available. The 13-year-old was placed in a room with the same child who had committed the sexual assault before on the 12-year-old. Not surprisingly, another sexual incident occurred and there was another victim; this sexual predator had another victim.

Furthermore, I understand this practice of assigning more than one child to a room has led to the commingling of status offenders, kids who are runaways or truants—commingling them with delinquent youth as well as detained committed youths. For example, these practices led to a child detained as a truant and a runaway being housed in the same room as a youth detained on charges of negligent homicide. That simply is not right. It is not