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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

God of grace and God of mercy, You first loved us. You paid the debt for our transgressions that we might experience reconciliation. Lord, thank You for rescuing us from ourselves and for the power You give us daily to live victoriously.

You alone are worthy to receive power, riches, wisdom, might, honor, glory, and blessing. Nothing is accidental or incidental with You, for You are the author and finisher of our faith.

Be near our Senators today as they serve our Nation and freedom's cause. Reveal Yourself to them as they strive to make right decisions about complex issues. Empower each of us to move into the future with faith in the wisdom of Your providence.

Lord, bless our military people who daily sacrifice for freedom. We pray also for our enemies, as You have commanded us to do. Hasten the day when peace shall reign. We pray this in Your holy name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning, following the time set aside for the

leaders, the Senate will begin a period of morning business for up to 60 minutes. Today the Republican side will control the first 30 minutes, to be followed by 30 minutes under the control of the other side of the aisle.

Following morning business, the Senate will resume the motion to proceed to the asbestos bill. During the last 2 days Senators came to the floor and engaged in debate on the asbestos issue. I appreciate that. However, we should now proceed to the bill itself in order to work through various issues.

Last night, in order to move forward with the bill, I filed a cloture motion on the motion to proceed. That cloture vote will occur tomorrow. Again, this procedural vote is to allow us to begin the process of deliberating and deciding on the issues surrounding the issue of asbestos. It is a beginning of the process. Therefore, I hope cloture will indeed be invoked tomorrow morning.

In addition, Senators KYL and FEINSTEIN have been discussing the victims' rights constitutional amendment which is on the calendar. My hope is to consider that legislation following the asbestos bill. There was an objection to beginning that bill as well, and it became necessary to file a cloture motion on the motion to proceed to that joint resolution. Depending on the outcome of the asbestos cloture vote, the cloture vote on the victims' rights amendment may also occur tomorrow.

On both of these matters, the Senate should be able to deliberate on the underlying issues, and ultimately the Senate should work its will on each of these bills. We will continue to press for consideration of the asbestos legislation and the victims' rights amendment this week in order for the Senate to ultimately vote on these two important pieces of legislation.

The leadership, Republican and Democratic, will continue to discuss among themselves the asbestos bill and the best way to proceed over the next several days.

I yield the floor.

### RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

### VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT

Mr. DASCHLE. Mr. President, could the majority leader clarify the circumstances involving the victims' bill of rights? As I understand it, there have been some discussions, as the majority leader alluded, to a statutory approach to the victims' bill of rights. As I understand it, last night some agreement was reached. If that is the current situation, I am wondering whether it is still the intention of the majority leader to move a motion to proceed on the constitutional amendment.

Mr. FRIST. Mr. President, the final decision will be made over the course of the day. If agreement has been reached—I know as of late last night, actually up until 6 o'clock, the decision was made to file the cloture motion. Discussions were still underway. If an agreement has been reached that is mutually agreeable to both sides, we will not proceed with the cloture motion. But rather than comment on that definitively now, I would like to talk to the parties involved.

Mr. DASCHLE. I thank the majority leader.

### IRAQ AND THE NATIONAL GUARD

Mr. DASCHLE. Mr. President, I will take my leader time to comment on the privilege I had last week of spending some time with hundreds of South Dakota Guard members and their families.

I wanted to say a few words today about the selfless and courageous sacrifice of the South Dakota Guard and, indeed, all of our soldiers who are placing their lives on the line so that the

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



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children of Iraq can inherit a nation safer, stronger, and freer than that of their parents.

Too often, the contributions of our Guard members and reservists have gone unrecognized. But today, the brave soldiers in our Guard and Reserve have become indispensable to protecting our national security.

With the end of the Cold War and the decision to draw down active duty forces, the Nation has dramatically increased its reliance on reservists. Guard and Reserve soldiers have been called up to active duty more frequently, and have been taken away from their families and communities for longer periods of time, than perhaps at any other time in our history. As a result, the line between active and reserve duty has become blurred.

The service of the South Dakota National Guard and Reserve provides a perfect illustration. Two-thirds of South Dakota's National Guard members have been called up since September 11. On a per capita basis, South Dakota has had more of its Guard members activated than any other State. These call-ups have fallen heavily on South Dakota's Army Guard units. According to Governor Michael Rounds, nearly 8 of every 10 South Dakota Army Guard members have already been called up for active duty.

The South Dakota National Guard has six units and 1,200 soldiers in the Iraq theater, including the 740th Transportation Company, the 842nd Engineer Company, the 2nd Battalion of the 147th Field Artillery, the 153rd Engineer Battalion, the 1742nd Transportation Company, and the 216th Engineer Detachment. These soldiers have the gratitude and admiration of our State and our Nation.

Late last week, we were reminded of the dangers they face each and every day. As I noted on the floor Monday, Army Specialist Dennis Morgan, a member of the South Dakota National Guard, was one of the 12 American soldiers killed in Iraq this past weekend. Specialist Morgan was the sixth South Dakota soldier to die in this war, and the first member of the South Dakota National Guard. While South Dakotans' thoughts and prayers are with Specialist Morgan's family and, indeed, the families of all of those who have lost loved ones in Iraq, we also pray for the safety of the soldiers who remain in Iraq.

Two South Dakota units have received the most public attention as of late—the 740th Transportation Company of Milbank and Brookings and the 842nd Engineer Company of Spearfish, Belle Fourche, and Sturgis.

Unfortunately for the soldiers of these units and their families, the reason these units are in the news is not a happy one. Last week, nearly 300 soldiers from the 740th Transportation Company and the 842nd Engineer Company learned that they would not be coming home when they complete their year-long tour of duty.

According to Jay Brozik, husband of 1LT Sally Brozik who serves in the 740th, members of this unit had been informed they would be heading home soon. Their personal belongings had been packed for the trip home. The troops had completed the medical briefing required prior to leaving the Iraq theater. Their equipment had been transferred to a replacement unit. Their families were eagerly awaiting a joyous return.

All that came to a crashing halt late last week, when the Department of Defense announced that the tours of duty for this unit had been extended at least three months longer than promised.

The story is similar for the 842nd Engineering Company and about 20,000 other active and reserve troops who were informed that the administration had broken its commitment of one-year, "boots on the ground" in Iraq.

Although I am confident all involved will continue to serve their country in the same exemplary fashion they have to date, the administration's decision was difficult to bear for the soldiers and families involved. In the words of Spearfish Mayor Jerry Krambeck, "I don't know what I can say without putting tears in my eyes. All I can do is continue as we are and continue to support the families even more at this point."

Jay Brozik said, "I was thinking my wife would be back for our son's birthday, May 4. Now it's changed everything." And Ryan Lovrien spoke of his girlfriend, SGT April Semmler of the 740th: "[April] had mentioned hoping after a year to be home and spend time with the family in the summertime and just be out of there. Now they're going to do three or four months."

Mr. President, the cost of failure in Iraq is beyond comprehension. Given the stakes involved for the people of Iraq, the region, and the world, we have no choice but to maintain our commitment and do all we can to bring about a safe, secure, and democratic Iraq. But we do face a choice about how we fulfill this commitment.

I urge the President to redouble his efforts to expand the international presence on the ground. We have the finest forces in the world. Breaking our commitment to these forces is not only unfair, it is shortsighted. Already we see soldiers re-enlisting at lower rates than in the past. Considering that the demands placed on our already over-extended forces are unlikely to fall in the future, failure to at least sustain current force levels would undermine our national security.

Mr. President, I know the Senate joins me in commending the service of the men and women in the South Dakota Guard and indeed all of our troops involved in the current conflict in Iraq. I particularly want to express my appreciation for the sacrifices made by the troops of the 740th and the 842nd and their families. They came when they were called, performed as requested, and, under any circumstances,

will continue to perform magnificently.

But the burden should be shared—so that we can sustain our current forces and give those who've already sacrificed so much a well-deserved rest.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time not yet used will be reserved.

#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, will my friend yield for a unanimous consent request?

Mr. McCONNELL. Yes.

Mr. REID. Mr. President, I ask unanimous consent that, under the Democratic-controlled time, Senator BOXER be recognized for 15 minutes, Senator JEFFORDS be recognized for 7½ minutes, and Senator HARKIN be recognized for 7½ minutes.

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

The Senator from Kentucky is recognized.

#### PATRIOT ACT

Mr. McCONNELL. Mr. President, in October of 2001, the Senate passed the PATRIOT Act by a near unanimous vote of 98 to 1. The PATRIOT Act has been a vital tool in our ongoing efforts to prevent future attacks of terrorism against Americans at home. Terrorist cells across the country have been broken up from Buffalo, to Detroit, to Seattle, to Portland. Over 300 criminal charges have been brought. Over 515 individuals linked to the 9/11 investigation have been deported. Hundreds more suspected terrorists have been identified and tracked throughout our country. It is no wonder, then, that the biggest hero to emerge from the hearings before the 9/11 Commission has been the PATRIOT Act. Witnesses from both the Clinton and Bush administrations, and from both political parties, have praised its efficacy in fighting the war on terror.

Unfortunately, we are in the middle of an election year and some Washington politicians would rather demagog the PATRIOT Act and the Attorney General for his use of it. For example, the junior Senator from Massachusetts voted for the act. But since becoming his party's presumptive nominee, he has taken an entirely different