

the easing of export controls to this strategic partner of the President's.

We are going to hear that this is China bashing. This is not China bashing. This is the national security of the United States. I hope when the American people read the Cox report, they will understand that the Chinese gained vital information on every nuclear warhead in our arsenal. They now have the missile to fire it, the warhead to put on it, and the targeting information to direct it at any city in the United States of America—all thanks to the relaxation of export controls, and to the fact we left a spy in our labs.

When are we going to wake up? All through March and April of 1999, the White House fought over the release and declassification of this report. No wonder they do not want it released. The Cox report believes China is still spying. I believe they are too. This has to be investigated.

In conclusion, we need a bipartisan select committee to find out where this trail leads, wherever it leads.

**SENATE CONCURRENT RESOLUTION 33—EXPRESSING THE SENSE OF CONGRESS REGARDING THE NEED FOR VIGOROUS PROSECUTION OF WAR CRIMES, GENOCIDE, AND CRIMES AGAINST HUMANITY IN THE FORMER REPUBLIC OF YUGOSLAVIA**

Ms. LANDRIEU (for herself and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 33

Expressing the sense of Congress regarding the need for vigorous prosecution of war crimes, genocide, and crimes against humanity in the former Republic of Yugoslavia.

Whereas the United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this concurrent resolution referred to as the "ICTY") by resolution on May 25, 1993;

Whereas, although the ICTY has indicted 84 people since its creation, these indictments have only resulted in the trial and conviction of 8 criminals;

Whereas the ICTY has jurisdiction to investigate: grave breaches of the 1949 Geneva Conventions (Article 2), violations of the laws or customs of war (Article 3), genocide (Article 4), and crimes against humanity (Article 5);

Whereas the Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia that "[t]he Prosecutor believes that the nature and scale of the fighting indicate that an 'armed conflict', within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established";

Whereas reports from Kosovar Albanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo;

Whereas in furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary exe-

cution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread organized rape of women and young girls;

Whereas these reports of atrocities provide *prima facie* evidence of war crimes, crimes against humanity, as well as genocide;

Whereas any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible;

Whereas the indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities;

Whereas the ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects' whereabouts;

Whereas vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo; and

Whereas investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) the United States, in coordination with other United Nations contributors, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes, crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity, and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the ICTY, and the United States should use all appropriate means to apprehend war criminals already under indictment; and

(5) NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

Ms. LANDRIEU. Mr. President, this resolution, from the Senator from Pennsylvania and me, attempts to address the serious issue of war crimes. It calls for the Senate to make its voice clear on the issue of war crimes and the prosecution of those guilty of such crimes.

**AMENDMENTS SUBMITTED**

**DEPARTMENT OF DEFENSE AUTHORIZATION ACT**

**KERREY AMENDMENT NO. 376**

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

**WARNER AMENDMENT NO. 378**

Mr. WARNER proposed an amendment to amendment No. 377 proposed by Mr. ROBERTS to the bill, S. 1059, *supra*; as follows:

At the end of the amendment, add the following:

(c) REPORT.—Together with the certification under subsection (a)(1), the President should submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation or several member nations where the commitment of NATO forces will be "out of area", or beyond the borders of NATO member nations.

**ROBERTS (AND OTHERS) AMENDMENT NO. 377**

Mr. ROBERTS (for himself, Mr. WARNER, and Ms. SNOWE) proposed an amendment to the bill, S. 1059, *supra*; as follows:

In title X, at the end of subtitle D, add the following:

**SEC. 1061. SENSE OF SENATE REGARDING LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.**

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) not later than 30 days after the date of enactment of this Act, the President should determine and certify to the Senate whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States; and

(2) if the President certifies under paragraph (1) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States.

(b) DEFINITION.—For the purposes of this section, the term "new Strategic Concept of NATO" means the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C., on April 23 and 24, 1999.

(c) EFFECTIVE DATE.—This section shall take effect on the day after the date of enactment of this Act.

**GRAMS AMENDMENT NO. 379**

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill S. 1059, *supra*; as follows:

On page 453, between lines 10 and 11, insert the following:

**SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.**

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including

improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

#### WELLSTONE AMENDMENTS NOS. 380–382

Mr. WELLSTONE proposed three amendments to the bill, S. 1059, *supra*; as follows:

##### AMENDMENT NO. 380

On page 387, below line 24, add the following:

##### SEC. 1061. EXPANSION OF LIST OF DISEASES PRE-SUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

"(P) Lung cancer.

"(Q) Colon cancer.

"(R) Tumors of the brain and central nervous system."

##### AMENDMENT NO. 381

On page 83, between lines 7 and 8, insert the following:

##### SEC. 329. PROVISION OF INFORMATION AND TECHNICAL GUIDANCE TO CERTAIN FOREIGN NATIONS REGARDING ENVIRONMENTAL CONTAMINATION AT UNITED STATES MILITARY INSTALLATIONS CLOSED OR BEING CLOSED IN SUCH NATIONS.

(a) REQUIREMENT TO PROVIDE INFORMATION AND GUIDANCE.—The Secretary of Defense shall provide to each foreign nation that is a strategic partner of the United States the following:

(1) Such information meeting the standards and practices of the United States environmental industry as is necessary to assist the foreign nation in determining the nature and extent of environmental contamination at—

(A) each United States military installation located in the foreign nation that is being closed; and

(B) each site in the foreign nation of a United States military installation that has been closed.

(2) Such technical guidance and other cooperation as is necessary to permit the foreign nation to utilize the information provided under paragraph (1) for purposes of environmental baseline studies.

(b) LIMITATION.—The requirement to provide information and technical guidance under subsection (a) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any installation or site referred to in paragraph (1) of that subsection.

(c) DEFINITION.—In this section, the term "foreign nation that is a strategic partner of the United States" means any nation which cooperates with the United States on military matters, whether by treaty alliance or informal arrangement.

##### AMENDMENT NO. 382

At the appropriate place, insert the following:

##### SEC. \_\_\_\_ EVALUATION OF THE OUTCOME OF WELFARE REFORM.

Section 411(b) of the Social Security Act (42 U.S.C. 611(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting ";" and"; and

(3) by adding at the end the following:

"(5) for each State program funded under this part, data regarding the rate of employment, job retention, earnings characteristics, health insurance status, and child care access and cost for former recipients of assistance under the State program during, with respect to each such recipient, the first 24 months occurring after the date that the recipient ceases to receive such assistance."

##### SPECTER AMENDMENT NO. 383

Mr. SPECTER proposed an amendment to the bill, S. 1059, *supra*; as follows:

At the appropriate place add the following new section:

SEC. \_\_\_\_ Directing the President, pursuant to the United States Constitution and the War Powers Resolution, to seek approval from Congress prior to the introduction of ground troops from the United States Armed Forces in connection with the present operations against the Federal Republic of Yugoslavia or funding for that operation will not be authorized.

None of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground troops from the United States Armed Forces in Kosovo, except for peace-keeping personnel, unless authorized by a declaration of war or a joint resolution authorizing the use of military force.

##### LANDRIEU (AND OTHERS) AMENDMENT NO. 384

Mr. SPECTER (for Ms. LANDRIEU (for herself, Mr. SPECTER, Mr. LEVIN, Mr. DORGAN, and Mrs. FEINSTEIN)) proposed an amendment to the bill, S. 1059, *supra*; as follows:

At the end of title 10 add the following:

The Senate finds that:

The United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this concurrent resolution referred to as the "ICTY") by resolution on May 25, 1993;

Although the ICTY has indicted 84 people since its creation, these indictments have

only resulted in the trial and conviction of 8 criminals;

The ICTY has jurisdiction to investigate: grave breaches of the 1949 Geneva Conventions (Article 2), violations of the laws or customs of war (Article 3), genocide (Article 4), and crimes against humanity (Article 5);

The Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia that "[t]he Prosecutor believes that the nature and scale of the fighting indicate that an 'armed conflict', within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established";

Reports from Kosovar Albanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo;

In furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread organized rape of women and young girls;

These reports of atrocities provide prima facie evidence of war crimes, crimes against humanity, as well as genocide;

Any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible;

The indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities;

The ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects' whereabouts;

Vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo; and

Investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes.

SEC. 2. It is the sense of Congress that—

(1) the United States, in coordination with other United Nations contributors, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes, crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity, and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the ICTY, and the United States should use all appropriate means to apprehend war criminals already under indictment; and

(5) NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

##### THOMAS (AND ENZI) AMENDMENT NO. 385

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, S. 1059, *supra*; as follows:

At the appropriate place in the bill, insert the following new section and renumber the remaining sections accordingly:

**"SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW."**

(A) **PROHIBITION.**—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) **DEFINITIONS.**—In this section:

(1) **ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.**—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) **VETERANS MEMORIAL OBJECT.**—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, was memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad."

**SARBANES AMENDMENTS NOS. 386-387**

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to the bill, S. 1059, *supra*; as follows:

**AMENDMENT NO. 386**

At the end of subtitle E of title XXVIII, add the following:

**SEC.— ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.**

(a) **ONE-YEAR DELAY.**—Notwithstanding any other provision of law, the Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting facility (NRTF) towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) **COVERED TOWERS.**—The naval radio transmitting facility towers described in this subsection are the three southeastern most naval radio transmitting facility towers located at Naval Station, Annapolis, Maryland, that are scheduled for demolition as of the date of the enactment of this Act.

(c) **TRANSFER OF TOWERS.**—The Secretary shall transfer to the State of Maryland, or to Anne Arundel County, Maryland, all right, title, and interest of the United States in and out the towers described in subsection (b) if the State of Maryland or Anne Arundel County Maryland, as the case may be, agrees to accept such right, title, and interest from the United States during the one-year period referred to in subsection (a).

**AMENDMENT NO. 387**

On page 459, between lines 17 and 18, insert the following:

**SEC. 2844. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FORMER NAVAL TRAINING CENTER, BAINBRIDGE, CECIL COUNTY, MARYLAND.**

Section 1 of Public Law 99-596 (100 Stat. 3349) is amended—

(1) in subsection (a), by striking "subsections (b) through (f)" and inserting "subsections (b) through (e)";

(2) by striking subsection (b) and inserting the following new subsection (b):

"(b) **CONSIDERATION.**—(1) In the event of the transfer of the property under subsection (a) to the State of Maryland, the transfer shall be with consideration or without consideration from the State of Maryland, at the election of the Secretary.

"(2) If the Secretary elects to receive consideration from the State of Maryland under paragraph (1), the Secretary may reduce the amount of consideration to be received from the State of Maryland under that paragraph by an amount equal to the cost, estimated as of the time of the transfer of the property under this section, of the restoration of the historic buildings on the property. The total amount of the reduction of consideration under this paragraph may not exceed \$500,000.";

(3) by striking subsection (d); and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

**ROTH (AND OTHERS) AMENDMENT NO. 388**

Mr. ROTH (for himself, Mr. BIDEN, Mr. THURMOND, and Mr. KENNEDY) proposed an amendment to the bill, S. 1059, *supra*; as follows:

In title V, at the end of subtitle F, add the following:

**SEC. 582. POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL (RETIRED) HUSBAND E. KIMMEL AND MAJOR GENERAL (RETIRED) WALTER C. SHORT ON RETIRED LISTS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The late Rear Admiral (retired) Husband E. Kimmel, formerly serving in the grade of admiral as the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941 attack on Pearl Harbor.

(2) The late Major General (retired) Walter C. Short, formerly serving in the grade of lieutenant general as the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941 attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that then Admiral Kimmel and then Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6-7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report

maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge".

(6) On October 19, 1944, a Naval Court of Inquiry—

(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941 attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor";

(B) criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation"; and

(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T.C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that—

(A) Lieutenant General Short had not been kept "fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war";

(B) detailed information and intelligence about Japanese intentions and war plans were available in "abundance", but were not shared with Lieutenant General Short's Hawaii command; and

(C) Lieutenant General Short was not provided "on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this".

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral (retired) Kimmel and Major General (retired) Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(12) On April 27, 1954, the then Chief of Naval Personnel, Admiral J.L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(13) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that the late Major General (retired) Short "was unjustly held responsible for the Pearl Harbor disaster" and that "it would be equitable and just" to advance him to the rank of lieutenant general on the retired list".

(14) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral (retired) Kimmel (By then deceased) and recommended that the case of Rear Admiral Kimmel be reopened.

(15) Although the Dorn Report, a report on the result of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of the late Rear Admiral (retired) Kimmel or the late Major General (retired) Short in grade, it did set forth as a conclusion of the study that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared".

(16) The Dorn Report found—

(A) that "Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war";

(B) that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels"; and

(C) that "together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered".

(17) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from then Admiral Kimmel and Lieutenant General Short.

(18) Rear Admiral (retired) Kimmel and Major General (retired) Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under that Act.

(19) This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dis-honor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General (retired) Walter Short died on September 23, 1949, and Rear Admiral (retired) Husband Kimmel died on May 14, 1968, without having been accorded the honor of being returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of the late Rear Admiral (retired) Kimmel and the late Major General (retired) Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) REQUEST FOR ADVANCEMENT ON RETIRED LISTS.—(1) The President is requested—

(A) to advance the late Rear Admiral (retired) Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General (retired) Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or otherwise modify the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the late Rear Admiral (retired) Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General (retired) Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON INDIAN AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 26, 1999, at 9:30 a.m. to conduct a hearing on American Indian Youth Activities and Initiatives. The hearing will be held in room 485, Russell Senate Building.

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

##### SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Monday, May 24, 1999, at 3 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "Bureau of Prisons Oversight: The Importance of Federal Prison Industries."

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

#### ADDITIONAL STATEMENTS

##### REMEMBERING THE NAVAJO CODE TALKERS ON MEMORIAL DAY

• Mr. BIDEN. Mr. President, as our nation gratefully remembers the deceased men and women of our military, I have a special commemoration for this Me-

morial Day, 1999. This year, as brave American patriots willingly put themselves in "harm's way" to defend the values and national interests of all Americans in places like the Balkans and the Persian Gulf, I rise to remind my colleagues here in the United States Senate and the American people of one distinguished group of patriots who gave so unselfishly at a time when their rights of citizenship were restricted—the Navajo Code Talkers of World War II. I want to let everyone know how honored we Delawareans are to welcome to my state one of these Native American patriots and World War II veterans this Memorial Day weekend.

The Clarence Vinson-John Chason Post #3238 of the Veterans of Foreign Wars, in Camden, Delaware will have the distinct privilege of hosting Mr. Samuel Billison. Mr. Billison was one of the Navajo Code Talkers who helped the United States of America defeat the Axis Powers in the Pacific during World War II. Mr. Billison is traveling from Window Rock, Arizona to be the featured speaker at the May 31st Memorial Day observances being conducted by VFW Post #3238 at the Ceasar Rodney High School auditorium.

My state—the First State, the State that started our nation—has a long and proud history of celebrating the culture and accomplishments of Native Americans. It is only fitting, therefore, that Post Commander Mark Newman and Memorial Day Program Director Thomas E. Weyant sought out Mr. Samuel Billison, once one of the select Navajo Code Talkers.

Each Navajo Code Talker made an invaluable personal contribution to the success of our nation's effort in World War II to preserve freedom and democracy. What is most astonishing about this is that they were willing to take on the responsibilities of democracy at a time when they were not allowed to enjoy the full blessings and rights of democracy here at home.

Their communications contribution to World War II began in 1942 with a small group of 29 Navajos who shared their unique and unwritten language with the United States Marine Corps. Together they developed an unbreakable verbal code. By 1943, nearly 200 Navajo Code Talkers were dispersed to three combat divisions of the U.S. Marine Corps. As part of Marine Corps signal units, they participated through 1944 in the Pacific battles whose names bear witness to the honor and bravery of America's Marines—Bougainville, Tarawa, Cape Gloucester, the Marshall Islands, Saipan, Guam, and Peleliu.

As 1945 unfolded, all six divisions of the Marine Corps in the Pacific theater were using the distinctive skills and loyal services of approximately 400 Navajo Code Talkers. These brave Native Americans joined other courageous Marines to recapture Iwo Jima and Okinawa. In the first two days of the battle for Iwo Jima, Navajo Code