

the risks that unsafe food imports currently pose to our citizens, particularly our elderly, our children and our sick. I appreciate the advice and input we have received from scientists, industry and consumer groups, and the FDA, the CDC and the U.S. Customs Service in drafting this legislation.

We are truly fortunate that the American food supply is one of the safest in the world. But, our system for safeguarding our people from tainted food imports is flawed and poses needless risks of serious foodborne illnesses. I believe it is the responsibility of Congress to provide our federal agencies with the direction, authority, and resources necessary to keep unsafe food out of the United States and off American dinner tables.●

By Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, and Mr. EDWARDS).

S.J. Res. S. 25. A joint resolution expressing the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*; to the Committee on Armed Services.

Mr. SMITH of New Hampshire. Mr. President, I rise today to share with my colleagues a brief story from the closing days of World War II, the war in the Pacific.

It is a harrowing story, with many elements. Bad timing, bad weather. Heroism and fortitude. Negligence and shame. Bad luck. Above all, it is the story of some very special men whose will to survive shines like a beacon decades later.

I should point out that it is because of the efforts of a 13 year old boy in Florida that I introduce this bill today. Hunter Scott, working for nearly two years on what started as a history project, compiled a mountain of clippings, letters, and interviews that ultimately led Congressman JOE SCARBOROUGH to introduce this bill in the House, and for me to do so in the Senate. Hunter, on behalf of the survivors of the U.S.S. *Indianapolis*, the family of Captain McVay, and your country, I thank you for your courageous efforts.

Mr. President, we have the opportunity to redeem the reputation of a wronged man, and salute the indomitable will of a courageous crew. I had the distinct honor and privilege of hosting two distinguished members of that courageous crew just this morning; Richard Paroubek, of Williamsburg, VA, who was a Yeoman 1st Class, and Woodie James of Salt Lake City, UT, who was a Coxswain. The bill I introduce today will honor these two men, and their fellow shipmates of the U.S.S. *Indianapolis*, and redeem their Captain, Charles McVay.

A 1920 graduate of the U.S. Naval Academy, Charles Butler McVay III was a career naval officer with an exemplary record, including participation in the landings in North Africa and award of the Silver Star for courage under fire earned during the Solomon Islands campaign. Before taking command of the *Indianapolis* in November 1944, Captain McVay was chairman of the Joint Intelligence Committee of the Combined Chiefs of Staff in Washington, the Allies' highest intelligence unit.

Captain McVay led the ship through the invasion of Iwo Jima, then the bombardment of Okinawa in the spring of 1945 during which *Indianapolis'* anti-aircraft guns shot down seven enemy planes before the ship was severely damaged. McVay returned the ship safely to Mare Island in California for repairs.

In 1945, the *Indianapolis* delivered the world's first operational atomic bomb to the island of Tinian, which would later be dropped on Hiroshima by the *Enola Gay* on August 6. After delivering its fateful cargo, the *Indianapolis* then reported to the naval station at Guam for further orders. She was ordered to join the battleship U.S.S. *Idaho* in the Philippines to prepare for the invasion of Japan.

It was at Guam that the series of events ultimately leading to the sinking of the *Indianapolis* began to unfold. Hostilities in this part of the Pacific had long since ceased. The Japanese surface fleet was no longer considered a likely threat, and attention instead had turned 1,000 miles to the north where preparations were underway for the invasion of the Japanese mainland. These conditions led to a relaxed state of alert on the part of those who decided to send the *Indianapolis* across the Philippine Sea unescorted, and consequently, Captain McVay's orders to "zigzag at his discretion." Zigzagging is a naval maneuver used to avoid torpedo attack, generally considered most effective once the torpedoes have been launched.

The *Indianapolis*, unescorted, departed Guam for the Philippines on July 28. Just after midnight on 30 July 1945, midway between Guam and the Leyte Gulf, she was hit by two torpedoes fired by the "I-58," a Japanese submarine. The first blew away the bow, the second struck near mid-ship on the starboard side adjacent to a fuel tank and a powder magazine. The resulting explosion split the ship in two.

Of the 1,196 men aboard, about 900 escaped the sinking ship and made it into the water in the twelve minutes before she sank. Few life rafts were released. Shark attacks began at sunrise on the first day, and continued until the men were physically removed from the water, almost five days later.

Shortly after 11:00 A.M. of the fourth day, the survivors were accidentally discovered by an American bomber on routine antisubmarine patrol. A patrolling seaplane was dispatched to lend

assistance and report. En route to the scene the pilot overflew the destroyer U.S.S. *Cecil Doyle* (DD-368), and alerted her captain to the emergency. The captain of the *Doyle*, on his own authority, decided to divert to the scene.

Arriving hours ahead of the *Doyle*, the seaplane's crew began dropping rubber rafts and supplies. While doing so, they observed men being attacked by sharks. Disregarding standing orders not to land at sea, the plane landed and began taxiing to pick up the stragglers and lone swimmers who were at greatest risk of shark attack.

As darkness fell, the crew of the seaplane waited for help to arrive, all the while continuing to seek out and pull nearly dead men from the water. When the plane's fuselage was full, survivors were tied to the wing with parachute cord. The plane's crew rescued 56 men that day.

The *Cecil Doyle* was the first vessel on the scene, and began taking survivors aboard. Disregarding the safety of his own vessel, the *Doyle's* captain pointed his largest searchlight into the night sky to serve as a beacon for other rescue vessels. This beacon was the first indication to the survivors that their prayers had been answered. Help had at last arrived.

Of the 900 who made it into the water only 317 remained alive. After almost five days of constant shark attacks, starvation, terrible thirst, and suffering from exposure and their wounds, the men of the *Indianapolis* were at last rescued from the sea.

Curiously, the Navy withheld the news of the sunken ship from the American people for two weeks, until the day the Japanese surrendered on August 15, 1945, thus insuring minimum press coverage for the story of the *Indianapolis'* loss.

Also suspicious, conceding that they were "starting the proceedings without having available all the necessary data," less than two weeks after the sinking of the *Indianapolis*, before the sinking of the ship had even been announced to the public, the Navy opened an official board of inquiry to investigate Captain McVay and his actions. The board recommended a general court-martial for McVay.

Admiral Nimitz, Commander in Chief of Pacific Command, did not agree—he wrote the Navy's Judge Advocate General that at worst McVay was guilty of an error in judgment, but not gross negligence worthy of court-martial. Nimitz recommended a letter of reprimand.

Overriding both Nimitz and Admiral Raymond Spruance who commanded the Fifth Fleet, Secretary of the Navy James Forrestal and Admiral Ernest King, Chief of Naval Operations, directed that court-martial proceedings against Captain McVay proceed.

Captain McVay was notified of the pending court-martial, but not told what specific charges would be brought against him. The reason was simple. The Navy had not yet decided what to

charge him with. Four days before the trial began they did decide on two charges: the first, failing to issue orders to abandon ship in a timely fashion; and the second, hazarding his vessel by failing to zigzag during good visibility.

It's difficult to understand why the Navy brought the first charge against McVay. Explosions from the torpedo attacks had knocked out the ship's communications system, making it impossible to give an abandon ship order to the crew except by word of mouth, which McVay had done. He was ultimately found not guilty on this count.

That left the second charge of failing to zigzag. Perhaps the most egregious aspect however, was in the phrasing of the charge itself. The phrase was "during good visibility." According to all accounts of the survivors, including written accounts only recently declassified and not made available to McVay's defense at the trial, the visibility that night was severely limited with heavy cloud cover. This is pertinent for two reasons. First, no Navy directives in force at that time or since recommended, much less ordered, zigzagging at night in poor visibility. Secondly, as Admiral Nimitz pointed out, the rule requiring zigzagging would not have applied in any event, since McVay's orders gave him discretion on that matter and thus took precedence over all other orders. Thus, when he stopped zigzagging, he was simply exercising his command authority in accordance with Navy directives. Unbelievably, this point was never made by McVay's defense counsel during the subsequent court-martial.

Captain McVay was ultimately found guilty on the charge of failing to zigzag, and was discharged from the Navy with a ruined career. In 1946, at the specific request of Admiral Nimitz who had become Chief of Naval Operations, Secretary Forrestal, in a partial admission of injustice, remitted McVay's sentence and restored him to duty. But, Captain McVay's court-martial, and personal culpability for the sinking of the *Indianapolis* continued to stain his Navy records. The stigma of his conviction remained with him always, and he ultimately took his own life in 1968. To this day Captain McVay is recorded in history as negligent in the deaths of 870 sailors.

We need to restore the reputation of this honorable officer. In the decades since World War II, the crew of the *Indianapolis* has worked tirelessly in defending their Captain, and trying to ensure that his memory is properly honored. It is at the specific request of the survivors of the *U.S.S. Indianapolis* that I introduce this resolution.

Since McVay's court-martial, a number of factors, including once classified documents not made available to McVay's defense, have surfaced raising significant questions about the justice of the conviction.

Although naval authorities at Guam knew that on July 24, four days before

the *Indianapolis* departed for Leyte, the destroyer escort U.S.S. *Underhill* had been sunk by a Japanese submarine within range of the *Indianapolis'* path, McVay was not told.

Although a code-breaking system called ULTRA had alerted naval intelligence that a Japanese submarine (the I-58, which ultimately sank the *Indianapolis*) was operating in his path, McVay was not told. Classified as top secret until the early 1990s, this intelligence—and the fact it was withheld from McVay before he sailed from Guam—was suppressed during his court-martial.

Although the routing officer at Guam was aware of the ULTRA intelligence report, he said a destroyer escort for the *Indianapolis* was "not necessary" and, unbelievably, testified at McVay's court-martial that the risk of submarine attack along the *Indianapolis'* route "was very slight".

Although McVay was told of "submarine sightings" along his path, he was told none had been confirmed. Such sightings were commonplace throughout the war and were generally ignored by Navy commanders unless confirmed. Thus, the *Indianapolis* set sail for Leyte on July 26, 1945, sent into harm's way with its captain unaware of dangers which shore-based naval personnel knew were in his path.

The U.S.S. *Indianapolis* was not equipped with submarine detection equipment, and therefore Captain McVay requested a destroyer escort. Although no capital ship without submarine detection devices had sailed between Guam and the Philippines without a destroyer escort throughout all of World War II, McVay's request for such an escort was denied.

The Navy failed to notice when the ship did not show up in port in the Philippines. U.S. authorities intercepted a message from the I-58 to its headquarters in Japan informing them that it had sunk the U.S.S. *Indianapolis*. This message was ignored and the Navy did not initiate a search. The *Indianapolis* transmitted three distress calls before it sank, and one was received at the naval base in the Philippines. Again, no search was initiated and no effort was made to locate any survivors. It was not until four days after the ship had sunk, when a bomber inadvertently spotted sailors being eaten by sharks in the water below, that a search party was dispatched.

Although 700 navy ships were lost in combat in World War II, McVay was the only captain to be court-martialed as the result of a sunken ship.

Captain McVay was denied both his first choice of defense counsel and a delay to develop his defense. His counsel, a line officer with no trial experience, had only four days to prepare his case.

Incredibly, the Navy brought Mochituru Hashimoto, the commander of the Japanese I-58 submarine that sunk the *Indianapolis* to testify at the court-martial. Hashimoto testified

that just after midnight the clouds cleared long enough to see and fire upon the *Indianapolis*. He also implied in pretrial statements that zigzagging would not have saved the *Indianapolis* because of his clear view, but this point was not raised by McVay's defense during the trial itself.

Another witness in the trial, veteran Navy submariner Glynn Donaho, a four-time Navy Cross winner was asked by McVay's defense counsel whether "it would have been more or less difficult for you to attain the proper firing position" if the *Indianapolis* had been zigzagging under the conditions which existed that night. His answer was, "No, not as long as I could see the target." This testimony was either deliberately ignored by, or passed over the heads of, the court-martial board, and it was not pursued further by McVay's defense.

Many of the survivors of the *Indianapolis* believe that a decision to convict McVay was made before his court-martial began. They are convinced McVay was made a scapegoat to hide the mistakes of others. McVay was court-martialed and convicted of "hazarding his ship by failing to zigzag" despite overwhelming evidence that the Navy itself had placed the ship in harm's way, despite testimony from the Japanese submarine commander that zigzagging would have made no difference, despite the fact that although 700 Navy ships were lost in combat in World War II McVay was the only captain to be court-martialed, and despite the fact the Navy did not notice when the *Indianapolis* failed to arrive on schedule, thus costing hundreds of lives unnecessarily and creating the greatest sea disaster in the history of the United States Navy.

The resolution I am introducing corrects a 54 year old injustice, restores the honorable name of a decorated Navy combat veteran, and honors the wishes of his loyal and faithful crew. It will also honor the crew of the *Indianapolis* for their courage in surviving this awful tragedy.

I urge my colleagues to support this resolution and I am proud to offer it on behalf of Captain McVay and the wonderful and honorable men of the U.S.S. *Indianapolis*, two of whom are sitting with us in the gallery today, Mr. President.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SMITH of New Hampshire. I will certainly yield to the Senator from Illinois.

Mr. DURBIN. I would like to first commend the Senator from New Hampshire. I was visited in my office by a gentleman named Michael Kuryla, Jr., of Poplar Grove, IL, one of the survivors of the U.S.S. *Indianapolis*. He recounted to me in detail what happened when that ship went down. As he talked about being in the ocean for days, not knowing whether they would be rescued, watching his shipmates who were literally dying around him

and being devoured by sharks, wondering if they would ever be rescued, tears came to his eyes. More than 50 years after, tears came to his eyes. He said it wasn't fair, what they did to Captain McVay; to court-martial him was wrong. He asked me for my help, if I would join the Senator from New Hampshire on this resolution, and I am happy to do so.

I think justice cries out that we agree to this resolution; that Captain McVay, who was singled out, out of all the captains of the fleet, to be court-martialed under these circumstances is just unfair. The men who served under him, those whose lives were under his care and those who survived this worst sea disaster in U.S. naval history—they have come forward. They have asked us to make sure that history properly records the contribution Captain McVay made to his country.

I am happy to join in this resolution. I hope other Members of the Senate, hearing this debate and reading this resolution, will cosponsor it as well and that we can close the right way this chapter in American naval history.

Mr. SMITH of New Hampshire. I thank the Senator from Illinois.

I ask unanimous consent that the roster of the final crew of the U.S.S. *Indianapolis* be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

THE FINAL CREW OF THE U.S.S.
"INDIANAPOLIS" (CA-35)

CREW AND OFFICERS

ABBOTT, George S., S1. ACOSTA, Charles M., MM3. ADAMS, Leo H., S1*. ADAMS, Pat L., S2. ADORANTE, Dante W., S2. AKINES, William R., S2*. ALBRIGHT, Charles E., Jr., Cox. ALLARD, Vincent J., QM3*. ALLEN, Paul F., S1. ALLMARAS, Harold D., F2. ALTSCHULER, Allan H., S2*. ALVEY, Edward W., Jr., AerM2. AMICK, Homer I., S2. ANDERSEN, Lawrence J., SK2. ANDERSON, Erick T., S2*. ANDERSON, Leonard O., MM3. ANDERSON, Sam G., S2. ANDERSON, Vincent U., BMI. ANDERSON, Richard L., F2. ANDREWS, William R., S2*. ANNIS, James B. Jr., CEMA. ANTHONY, Harold R., PHM3. ANTONIE, Charles J., F2. ANUNTI, John M., M2*. ARMENTA, Lorenzo, SC2. ARMISTEAD, John H., S2*. ARNOLD, Carl L., AMM3. ASHFORD, Chester W., WT2. ASHFORD, John T. Jr., RT3*. ATKINSON, J.P., COX. AULL, Joseph H., S2. AULT, William F., S2*. AYOTTE, Lester J., S2. BACKUS, Thomas H., LT. (jg). BAKER, Daniel A., S2. BAKER, Frederick H., S2. BAKER, William M. Jr., EMI. BALDRIDGE, Clovis R., EM2*. BALL, Emmet E., S2. BALLARD, Courtney J., SSM3. BARENTHIN, Leonard W., S2. BARKER, Robert C. Jr., RT1. BARKSDALE, Thomas L., FC3. BARNES, Paul C., F2. BARNES, Willard M., MM1. BARRA, Raymond J., CGMA. BARRETT, James B., S2. BARRY, Charles., LT. (jg). BARTO, Lloyd P., S1*. BARTON, George S., Y3. BATEMAN, Bernard B., F2*. BATENHORST, Wilfred J., MM3. BATSON, Eugene C., S2. BATTEN, Robert E., S1. BATTIS, Edward D., STM1. BEANE, James A., F2*. BEATY, Donald L., S1*. BECKER, Myron M., WT2. BEDDINGTON, Charles E., S1. BEDSTED, Leo A., F1. BEISTER, Richard J., WT3. BELCHER, James R., S1*. BELL, Maurice G., S1*. BENNETT, Dean R.,

HA1. BENNETT, Ernest F., B3. BENNETT, Toney W., ST3. BENNING, Harry, S1. BEN-TON, Clarence U., CFCP*. BERNACIL, Concepcion P., FC3*. BERRY, Joseph, Jr., STM1. BERRY, William H., ST3. BEUKEMA, Kenneth J., S2. BEUSCHLEIN, Joseph C., S2. BIDDISON, Charles L., S1.

BILLINGS, Robert B., ENS. BILLINOSLEY, Robert F., GM3*. BILZ, Robert E., S2. BISHOP, Arthur, Jr., S2. BITONTI, Louis P., S1*. BLACKWELL, Fermon M., SSML3. BLANTHORN, Bryan, S1*. BLUM, Donald J., ENS. BOEGE, Raymond R., S2. BOGAN, Jack R., RM1. BOLLINGER, Richard H., S1. BOOTH, Sherman C., S1*. BORTON, Herheit E., SC2. BOSS, Norbert G., S2. BOTT, Wilbur M., S2. BOWLES, Eldridge W., S1. BOWMAN, Charles E., CTC. BOYD, Troy H., GM3. BRADLEY, William H., S2. BRAKE, John Jr., S2. BRANDT, Russell L., F2*. BRAUN, Neal F., S2. BRAY, Harold J. Jr., S2*. BRICE, R.V., S2. BRIDGE, Wayne A., S2. BRIGHT, Chester L., S2. BRILEY, Harold V., MAM3. BROOKS, Ulysess R., CWTA. BROPHY, Thomas D'Arcy Jr., ENS. BROWN, Edward A., WT3. BROWN, Edward J., S1*. BRUCE, Russell W., S2. BRULE, Maurice J., S2. BRUNDIGE, Robert H., S1*. BRUNEAU, Charles A., GM3. BUCKETT, Victor R., Y2*. BUDISH, David, S2. BULLARD, John K., S1*. BUNAI, Robert P., SM1*. BUNN, Horace G., S2. BURDORF, Wilbert J., COX*. BURKHARTSMEIER, Anton T., S1. BURKHOLTZ, Frank Jr., EM3. BURLESON, Martin L., S1. BURRS, John W., S1. BURT, William George A., QM3. BURTON, Curtis H., S1*. BUSHONG, John R., GM3. CADWALLADER, John J., RT3. CAIN, Alfred B., RT3. CAIRO, William G., BUG1. CALL, James E., RM3. CAMERON, John W., GM2. CAMP, Garrison, STM2. CAMPANA, Paul, RDM3. CAMPBELL, Hamer E. Jr., GM3*. CAMPBELL, Louis D., AOM3*. CAMPBELL, Wayland D., SF3. CANDALINO, Paul L., LT. (jg). CANTRELL, Billy G., F2. CARNELL, Lois W., S2. CARPENTER, Willard A., SM3. CARR, Harry L., S2. CARROLL, Gregory K., S1. CARROLL, Rachel W., COX. CARSON, Clifford, F1. CARSTENSEN, Richard, S2. CARTER, Grover C., S1*. CARTER, Lindsey L., S2*. CARTER, Lloyd G., COX*. CARVER, Grover C., S1*. CASSIDY, John C., S1*. CASTALDO, Patrick P., GM2. CASTIAUX, Ray V., S2. CASTO, William H., S1. CAVIL, Robert R., MM2. CAVITT, Clinton C., WT3. CELAYA, Adolfo V., F2*. CENTAZZO, Frank J., SM3*. CHAMNESS, John D., S2*. CHANDLER, Lloyd N., S2. CHART, Joseph, EM3. CHRISTIAN, Lewis E. Jr., WO. CLARK, Eugene, CK3. CLARK, Orsen N., S2*. CLEMENTS, Harold P., S2. CLINTON, George W., S1*. CLINTON, Leland J., LT. (jg). COBB, William L., MOMM3. COLE, Walter H., CRMA. COLEMAN, Cedric F., LCFR. COLEMAN, Robert E., F2*. COLLIER, Charles R., RM2*. COLLINS, James, STM1. COLVIN, Frankie L., SSMT2. CONDON, Barna T., RDM1. CONNELLY, David F., ENS. CONRAD, James P., EM3. CONSER, Donald L., SC2. CONSIGLIO, Joseph W., FC2. CONWAY, Thomas M., Rev., LT. COOK, Floyd E., SF3. COOPER, Dale Jr., F2. COPELAND, Willard J., S2. COSTNER, Homer J., COX*. COUNTRYMAN, Robert E., S2. COWEN, Donald R., FC3*. COX, Alfred E., GM3. COX, Loel Dene, S2*. CRABB, Donald C., RM2. CRANE, Granville S. Jr., MM2*. CREWS, Hugh C., LT. (jg). CRITES, Orval D., WT1. CROUCH, Edwin M., CAPT. (Passenger). CRUM, Charles J., S2. CRUZ, Jose S., CCKA. CURTIS, Erwin E., CTCF. DAGENBART, Charles R. Jr., PHM2. DALE, Elwood R., F1. DANIEL, Harold W., CBMA*. DANIELLO, Anthony G., S1. DAVIS, James C., RM3. DAVIS, Kenneth G., F1. DAVIS, Stanley G., LT. (jg). DAVIS, Thomas E., SM2. DAY, Richard R. Jr., S2. DEAN, John T. Jr., S2. DeBERNARDI, Louie, BMI*.

DeFOOR, Walton, RDM3. DEMARS, Edgar J., CBMA. DEMENT, Dayle P., S1. DENNY, Lloyd, Jr., S2. DEWING, Ralph O., FC3*. DIMOND, John N., S2. DIZELSKE, William B., MM2*. DOLLINS, Paul, RM2. DONALD, Lyle H., EMI. DONEY, William Junior, F2. DONNER, Clarence W., RT3*. DORMAN, William B., S1. DORNETTO, Frank P., WT1. DOSS, James M., S2. DOUCETTE, Ronald O., S2. DOUGLAS, Gene D., F2*. DOVE, Basil R., SKD2. DOWDY, Lowell S., CWO. DRANE, James A., GM2. DRAYTON, William H., EM2*. DRISCOLL, David L., LT. (jg). DRONET, Joseph E.J., S2*. DRUMMOND, James J., F2. DRURY, Richard E., S2. DRYDEN, William H., MM1*. DUFRANE, Delbert E., S1. DUNBAR, Jess L., F2. DURAND, Ralph J., Jr., S2. DYCUS, Donald, S2. EAKINS, Morris B., F2. EAMES, Paul H. Jr., ENS. EASTMAN, Chester S., S2. ECK, Harold A., S2*. EDDINGER, John W., S1. EDDY, Richard L., RM3. EDWARDS, Alwyn C., F2. EDWARDS, Roland J., BMI. E'GOLF, Harold W., S2. ELLIOTT, Kenneth A., S1. ELLIOTT, Harry W., S2. EMERY, William F., S1*. EMSLEY, William J., S1. ENGELSMAN, Ralph, S2*. EPPERSON, Ewell, S2*.

EPPERSON, George L., S1. ERICKSON, Theodore M., S2*. ERNST, Robert C., F2. ERWIN, Louis H., COX*. ETHIER, Eugene E., EM3*. EUBANKS, James H., S1. EVANS, Arthur J., PHM2. EVANS, Claudus, GM3*. EVERETT, Charles N., EM2. EVERS, Lawrence L., CMMA. EYET, Donald A., S1. FANTASIA, Frank A., F2. FARBER, Sheldon L., S2. FARLEY, James W., S1. FARMER, Archie C., Cox*. FARRIS, Eugene F., S1*. FAST HORSE, Vincent, S2. FEAKES, Fred A., AOM1*. FEDORSKI, Nicholas W., S1*. FEENEY, Paul R., S2. FELTS, Donald J., BMI*. FERGUSON, Albert E., CMMA*. FERGUSON, Russel M., RT3. FIGGINS, Harley D., WT2. FIRESTONE, Kenneth F., FC2. FIRMIN, John A. H., S2. FITTING, Johnny W., GM1*. FLATAN, Harold J., WT2*. FELISCHAUER, Donald W., S1. FLESHMAN, Vern L., S2. FLYNN, James M., Jr., S1. FLYNN, Joseph A., CDR. FOELL, Cecil D., ENS. FORTIN, Verlin L., WT3*. FOSTER, Verne E., F2*. FOX, William H. Jr., F2*. FRANCOIS, Norbert E., F1*. FRANK, Rudolph A., S2. FRANKLIN, Jack R., RDM3. FREEZE, Howard B., LT. (jg). FRENCH, Douglas O., FC3. FRENCH, Jimmy Junior, QM3. FRITZ, Leonard A., MM3.

FRONTINO, Vincent F., MOMM3. FRORATH, Donald H., S2. FUCHS, Herman F., CWO. FULLER, Arnold A., F2. FULTON, William C., CRMA. FUNKHOUSER, Robert M., ART2*. GABRILLO, Juan, S2*. GAITHER, Forest M., FC2. GALANTE, Angelo., S2*. GALBRAITH, Norman S., MM2*. GARDNER, Roscoe W., F2*. GARDNER, Russel T., F2. GARNER, Glenn R., MM2. GAUSE, Robert P., QM1*. GAUSE, Rubin C., Jr., ENS. GEMZA, Rudolph A., FC3*. GEORGE, Gabriel V., MM3*. GERNGROSS, Frederick J., Jr., ENS. GETTLEMAN, Robert A., S2*. GIBSON, Buck W., GM3*. GIBSON, Curtis W., S2. GIBSON, Ganola F., MM3. GILBERT, Warner, Jr., S1. GILCREASE, James, S2*. GILL, Paul E., WT2. GILMORE, Wilbur A., S2. GISMONDI, Michael V., S1. GLADD, Millard, Jr., MM2*. GLAUB, Francis A., GM2. GLENN, Jay R., AMM3*. GLOVKA, Erwin S., S2. GODFREY, Marlo R., RM3. GOECKEL, Ernest S., LT. (jg). GOFF, Thomas G., SF3*. GOLDEN, Curry., STM1. GOLDEN, James L., S1. GONZALES, Ray A., S2. GOOCH, William L., F2*. GOOD, Robert K., MM3. GOODWIN, Oliver A., CRTA. GORE, Leonard F., S2. GORECKI, Joseph W., SK3. GOTTMAN, Paul J., S2.

GOVE, Carroll L., S2. GRAY, Willis L., S1*. GREATHOUSE, Bud R., S1. GREEN, Robert U., S2.

GREEN, Tolbert, Jr., S1*. GREENE, Samuel G., S1. GREENLEE, Charles I., S2*.

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SMITH, Frederick C., F2*. SMITH, George R., S1. SMITH, Guy N., FC2. SMITH, Henry A., F1. SMITH, Homer L., F2. SMITH, James W., S2*. SMITH, Kenneth D., S2. SMITH, Olen E., CM3. SNYDER, John N., SF2. SNYDER, Richard R., S1. SOLOMON, William,

Jr., S2. SORDIA, Ralph, S2. SOSPIZIO, Andre, EM3*. SPARKS, Charles B., COX. SPEER, Lowell E., RT3. SPENCER, Daniel F., S1*. SPENCER, James D., LT. SPENCER, Roger, S1*. SPECNER, Sidney A., WO. SPINDLE, Orval A., S1. SPINELLI, John A., SC2*. SPOMER, Elmer 3., SF2. St. PIERRE, Leslie R., MM2. STADLER, Robert H., WT3. STAMM, Florian M., S2*. STANFORTH, David E., F2. STANKOWSKI, Archie J., S2. STANTURF, Frederick R., MM2. STEIGERWALD, Fred, GM2. STEPHENS, Richard P., S2*. STEVENS, George G., WT2*. STEVENS, Wayne A., MM2. STEWART, Glenn W., CFCP*. STEWART, Thomas A., SK2. STICKLEY, Charles B. GM3. STIER, William G., S1. STIMSON, David, ENS. STONE, Dale E., S2. STONE, Homer B., Y1. STOUT, Kenneth I., LCDR. STRAIN, Joseph M., S2. STREICH, Allen C., RM2*. STICKLAND, George T., S2.

STRIETER, Robert C., S2. STRIPE, William S., S2. STROM, Donald A., S2. STROMKO, Joseph A., F2. STRYFFELER, Virgil L., F2. STUECKLE, Robert L., S2. STURTEVANT, Elwyn L., RM2*. SUDANO, Angelo A., SSML3. SUHR, Jerome R., S2. SULLIVAN, James P., S2. SULLIVAN, William D., PTR2. SUTER, Frnak E., S1*. SWANSON, Robert H., MM2. SWART, Robert L., LT (jg). SWINDELL, Jerome H., F2. TAGGART, Thomas H., S1. TALLEY, Dewell E., RM2. TAWATER, Charles H., F1*. TEERLINK, David S., CWO. TELFORD, Arno J., RT3. TERRY, Robert W., S1. THELEN, Richard P., S2*. THIELSCHER, Robert T., CRTP. THOMAS, Ivan M., S1*. THOMPSON, David A., EM3*. THORPE, Everett N., WT3. THURKETTLE, William C., S2*. TIDWELL, James F., S2. TISTHAMMER, Bernard E., CGMA. TOCE, Nicolo, S2. TODD, Harold O., CM3. TORRETTA, John Mickey, F1*. TOSH, Bill H., RDM3. TRIEMER, Ernst A., ENS. TROTTER, Arthur C., RM2. TRUDEAU, Edmond A., LT. TRUE, Roger O., S2. TRUITT, Robert E., RM2. TRYON, Frederick B., BUG2. TULL, James A., S1. TURNER, Charles M., S2*. TURNER, William C., MM2. TURNER, William H., Jr., ACMMA. TWIBLE, Harlan M., ENS*.

ULIBARRI, Antonio D., S2. ULLMANN, Paul E., LT (jg). UMENHOFFER, Lyle E., S1*. UNDERWOOD, Carey L., S1. UNDERWOOD, Ralph E., S1*. VAN METER, Joseph W., WT3*. WAKEFIELD, James N., S1. WALKER, A.W., STM1. WALKER, Jack E., RM2. WALKER, Verner B., F2*. WALLACE, Earl J., RDM3. WALLACE, John, RDM3. WALTERS, Donald H., F1. WARREN, William R., RT3. WATERS, Jack L., CYA. WATSON, Winston H., F2. WELLS, Charles O., S1*. WELLS, Gerald Lloyd, EM3. WENNERHOLM, Wayne L., COX. WENZEL, Ray G., RT3. WHALEN, Stuart D., GM2. WHALLON, Louis E., Jr., LT (jg). WHITE, Earl C., TC1. WHITE, Howard M., CWT2. WHITING, George A., F2*. WHITMAN, Robert T., LT. WILCOX, Lindsey Z., WT2*. WILEMAN, Roy W., PHM3. WILLARD, Merrinann D., PHM2. WILLIAMS, Billie J., MM2. WILLIAMS, Magellan, STM1. WILLIAMS, Robert L., WO. WILSON, Frank, F2. WILSON, Thomas B., S1. WISNIEWSKI, Stanley, F2*. WITMER, Milton R., EM2. WITZIG, Robert M., FC3*. WOJCIECHOWSKI, Maryian J., GM2. WOLFE, Floyd R., GM3. WOODS, Leonard T., CWO. WOOLSTON, John, ENS*. YEAPLE, Jack T., Y3. ZINK, Charles W., EM2*. ZOBAL, Francis J., S2.

MARINE DETACHMENT

BRINKER, David A., PFC. BROWN, Orlo N., PFC. BUSH, John R., PVT. CROMLING, Charles J., Jr., PLTSGT. DAVIS, William H., PFC. DUPECK, Albert Jr., PFC. GREENWALD, Jacob, 1st SGT*. GRIMM, Loren E., PFC. HANCOCK, Thomas A., PFC.

HARRELL, Edgar A., CPL*. HOLLAND, John F. Jr., PFC. HUBBARD, Gordon R., PFC. HUBBRD, Leland R., PFC. HUGHES, Max M., PFC*. JACOB, Melvin C., PFC* KENWORTHY, Glenn W., CPL. KIRCHNER, John H., PVT. LARSEN, Harlan D., PFC. LEES, Henry W., PFC. MARTTILA, Howard W., PVT. McCOY, Giles G., PFC*. MESSENGER, Leonard J., PFC. MUNSON, Bryan C., PFC. MURPHY, Charles T., PFC. NEAL, William F., PFC. PARKE, Edward L., CAPT. REDD, Robert F., PVT. REINOLD, George, H., PFC. RICH, Raymond A., RIGGINS, Earl, PVT*. ROSE, Francis E., PFC. SPINO, Frank J., PFC. SPOONER, Miles L., PVT*. STAUFFER, Edward H., 1st LT. STRAUGHN, Howard V. Jr., CPL. THOMSEN, Arthur A., PFC. TRACY, Richard I. Jr., SGT. UFFELMAN, Paul R. PFC*. WYCH, Robert A. PFC.

*Indicates a survivor.

ADDITIONAL COSPONSORS

S. 42

At the request of Mr. HELMS, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 171

At the request of Mr. MOYNIHAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 242

At the request of Mr. JOHNSON, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 327

At the request of Mr. HAGEL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 455

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 455, a bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from West Vir-

ginia (Mr. BYRD) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 495

At the request of Mr. BOND, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 495, a bill to amend the Clean Air Act to repeal the highway sanctions.

S. 506

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 506, a bill to amend the Internal Revenue Code of 1986 to permanently extend the provisions which allow non-refundable personal credits to be fully allowed against regular tax liability.

S. 512

At the request of Mr. GORTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 635

At the request of Mr. MACK, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 684

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 684, a bill to amend title 11, United States Code, to provide for family fishermen, and to make chapter 12 of title 11, United States Code, permanent.

S. 693

At the request of Mr. HELMS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 718

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 718, a bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

S. 800

At the request of Mr. BURNS, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 800, a bill to promote and enhance public safety through the use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 870

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 870, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes.

S. 879

At the request of Mr. CONRAD, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements.

S. 881

At the request of Mr. BENNETT, the name of the Senator from Kentucky (Mr. McCONNELL) was added as a cosponsor of S. 881, a bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes.

S. 908

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 908, a bill to establish a comprehensive program to ensure the safety of food products intended for human

consumption that are regulated by the Food and Drug Administration, and for other purposes.

S. 1017

At the request of Mr. MACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1025

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1025, a bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program.

S. 1053

At the request of Mr. BOND, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1057

At the request of Mr. MACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1057, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts.

S. 1070

At the request of Mr. BOND, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Montana (Mr. BURNS), the Senator from Mississippi (Mr. LOTT), the Senator from Tennessee (Mr. THOMPSON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. SESSIONS), the Senator from Tennessee (Mr. FRIST), the Senator from West Virginia (Mr. BYRD), and the Senator

from Hawaii (Mr. AKAKA) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 103

At the request of Mr. HUTCHINSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 103, a resolution concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China.

AMENDMENT NO. 377

At the request of Mr. ROBERTS, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of amendment No. 377 proposed to S. 1059, an original bill 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.

AMENDMENT NO. 383

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 383 proposed to S. 1059, an original bill 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.

SENATE CONCURRENT RESOLUTION 34—RELATING TO THE OBSERVANCE OF "IN MEMORY" DAY

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 34

Whereas many of the individuals who served in the Armed Forces and in civilian roles in Vietnam during the Vietnam War have since died, in part as the result of illnesses and conditions associated with service in Vietnam during that war;

Whereas these men and women, whose ultimate health conditions had a basis in their service in Vietnam during the Vietnam War, sacrificed their lives for their country in a very real sense;

Whereas under criteria established by the Department of Defense, the deaths of these men and women do not qualify as Vietnam War deaths;

Whereas under Department guidelines, these men and women also do not meet the criteria for eligibility to have their names inscribed on the Memorial Wall of the Vietnam Veterans Memorial in the District of Columbia;

Whereas "In Memory" Day was established several years ago in order to honor the Americans who gave their lives in service to their country as a result of service in Vietnam but had not otherwise been honored for doing so;

Whereas "In Memory" Day is now a project of the Vietnam Veterans Memorial Fund;

Whereas to date 633 Americans have met the criteria for eligibility to be honored by the "In Memory" Program; and

Whereas the Americans who have been named by the "In Memory" Program are honored each year during a ceremony at the Vietnam Veterans Memorial: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring). That it is the sense of Congress that "In Memory" Day should be observed on the third Monday in April each year, the day on which Patriots Day is also observed, in honor of the men and women of the United States whose deaths had a basis in their service in Vietnam during the Vietnam War and who are thereby true examples to the Nation of patriotism and sacrifice.

Mr. SPECTER. Mr. President, today I submit a concurrent resolution which would express the Sense of the Congress that the third Monday in April be designated "In Memory Day." In Memory Day will be a time for family and friends to gather and commemorate the supreme sacrifice made by their loved ones as their names are read from the In Memory Honor Roll at the Vietnam Veterans Memorial, as was done most recently on April 19, 1999. I feel this to be a small yet fitting tribute to those whose lives were ultimately claimed by the war in Vietnam.

The Vietnam Veterans Memorial is a solemn reminder that the defense of liberty is not without loss. The 58,214 servicemembers who gave their lives in Vietnam will forever be memorialized in a most fitting manner. Their names, inscribed in granite walls, symbolize the reality that our nation's military personnel protects America behind walls built with the blood of patriots. We must keep them in our memory always.

Not all of those who died, however, are commemorated on the Vietnam Veterans Memorial. Unaccounted for are those succumbed to the ravages of psychological wounds upon their return home. Unaccounted for are all those who died after war's end, yet whose deaths were intrinsically linked to wartime service. Their family members and loved ones have no wall to go to; no names to touch; no memorial to share.

The Vietnam Veterans Memorial Fund (VVMF) runs an "In Memory Program" to honor these silent fallen. As part of this program, the VVMF keeps an "In Memory Honor Roll" to commemorate those who served and