

a service, system, or access software provider that—

“(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

“(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.”.

#### SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

#### SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

### EXPRESSING THE SENSE OF CONGRESS REGARDING ACTIONS OF THE UNITED STATES GOVERNMENT REGARDING CLAIMS OF FORMER MEMBERS OF THE ARMED FORCES AGAINST JAPANESE COMPANIES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 158 submitted by Senator HATCH.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 158) expressing the sense of Congress regarding appropriate actions of the U.S. Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as POWs of Japan during World War II.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HATCH. I rise today with my cosponsors, Senators FEINSTEIN and BINGAMAN, in support of a sense of the Senate resolution to encourage the U.S. Government, through the State Department or other appropriate offices, to use its best efforts to open a dialog between former American POW's forced into slave labor in Japan and the private Japanese companies that profited from their labor. This is a very important issue to our veterans and I think they deserve our help.

On April 9, 1942, Allied forces in the Philippines surrendered Bataan to the Japanese. Ten to twelve thousand American soldiers were forced to march some 60 miles in broiling heat in a deadly trek known as the Bataan Death March. Following a lengthy internment under horrific conditions, thousands of POW's were shipped to Japan in the holds of freighters known as "Hell Ships." Once in Japan, many of these POW's were forced into slave labor for private Japanese steel mills and other private companies until the end of the war.

Fifty years have passed since the atrocities occurred, yet our veterans are still waiting for accountability and

justice. Unfortunately, global political and security needs of the time often overshadowed their legitimate claims for justice—and these former POW's were once again asked to sacrifice for their country. Following the end of the war, for example, our government allegedly instructed many of the POW's held by Japan not to discuss their experiences and treatment. Some were even asked to sign nondisclosure agreements. Consequently, many Americans remain unaware of the atrocities that took place and the suffering our POW's endured.

Following the passage of a California statute extending the statute of limitations for World War II claims until 2010 and the recent litigation involving victims of Holocaust, a new effort is underway by the former POW's in Japan to seek compensation from the private companies which profited from their labor. Let me say at the outset, that this is not a dispute with the Japanese people and these are not claims against the Japanese Government. Rather, these are private claims against the private Japanese companies that profited from the slave labor of our American soldiers who they held as prisoners. These are the same types of claims raised by survivors of the Holocaust against the private German corporations who forced them into labor.

The Senate Judiciary Committee held a hearing on the claims being made by the former American POW's against the private Japanese companies. One issue of concern for the Committee was whether the POW's held in Japan are receiving an appropriate level of advocacy from the U.S. Government. In the Holocaust litigation, the United States appropriately played a facilitating role in discussions between the German companies and the victims. The Justice Department also declined to file a statement of interest in the litigation—even when requested by the court. The efforts of the administration were entirely appropriate and the settlement, which was just recently finalized, was an invaluable step toward moving forward from the past.

Here, in contrast, there has been no effort by our Government, through the State Department or otherwise, to open a dialog between the Japanese and the former POW's. Moreover, in response to a request from the court, the Justice Department did, in fact, file two statements of interest which were very damaging to the claims of the POW's—stating in essence that their claims were barred by the 1951 Peace Treaty with Japan and the War Claims Act.

From a moral perspective, the claims of those forced into labor by private German companies and private Japanese companies appear to be of similar merit, yet they have spurred different responses from the administration. Why?

Here in the Senate, we have been doing what we can to help these former prisoners of war. With the help of Sen-

ator FEINSTEIN, we have moved through the Judiciary Committee Senate bill 1902, the Japanese Records Disclosure Act, which would set up a commission to declassify thousands of Japanese Imperial Army records held by the U.S. Government after appropriate screening for sensitive national security information and the like.

The Senate is also doing what it can to fulfill our Government's responsibility to these men by including a provision in the DOD authorization bill which would pay a \$20,000 gratuity to POW's from Bataan and Corregidor who were forced into labor. Such payment would be in addition to any other payments these veterans may receive under law—and thus would not compromise any of the claims asserted in the litigation against the Japanese companies.

The bill I introduce today, an expression of the sense of the Senate that the U.S. Government should attempt to facilitate a dialog, as it did in the German case, is a logical and appropriate extension of our other efforts. Ultimately, I do not know where we will come out on the precise meaning of the Treaty. Regardless of how the technical legal issues are resolved—which the courts will determine—in light of the moral imperative and interests of simple fairness, we must ask ourselves why shouldn't the United States facilitate a dialog between the parties? When is good faith discussion a bad idea? I think we owe this much to these brave veterans and their families. I believe a good faith dialog is the first step towards a just resolution that accommodates the various moral, legal, national security, and foreign policy interests which are at play.

I urge all Members to support this amendment.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 158) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. CON. RES. 158

Whereas from December 1941 to April 1942, members of the United States Armed Forces fought valiantly against overwhelming Japanese military forces on the Bataan peninsula of the Island of Luzon in the Philippines, thereby preventing Japan from accomplishing strategic objectives necessary for achieving early military victory in the Pacific during World War II;

Whereas after receiving orders to surrender on April 9, 1942, many of those valiant combatants were taken prisoner of war by Japan and forced to march 85 miles from the Bataan peninsula to a prisoner-of-war camp at former Camp O'Donnell;

Whereas, of the members of the United States Armed Forces captured by Imperial Japanese forces during the entirety of World

War II, a total of 36,260 of them survived their capture and transit to Japanese prisoner-of-war camps to be interned in those camps, and 37.3 percent of those prisoners of war died during their imprisonment in those camps;

Whereas that march resulted in more than 10,000 deaths by reason of starvation, disease, and executions;

Whereas many of those prisoners of war were transported to Japan where they were forced to perform slave labor for the benefit of private Japanese companies under barbaric conditions that included torture and inhumane treatment as to such basic human needs as shelter, feeding, sanitation, and health care;

Whereas the private Japanese companies unjustly profited from the uncompensated labor cruelly exacted from the American personnel in violation of basic human rights;

Whereas these Americans do not make any claims against the Japanese Government or the people of Japan, but, rather, seek some measure of justice from the Japanese companies that profited from their slave labor;

Whereas they have asserted claims for compensation against the private Japanese companies in various courts in the United States;

Whereas the United States Government has, to date, opposed the efforts of these Americans to receive redress for the slave labor and inhumane treatment, and has not made any efforts to facilitate discussions among the parties;

Whereas in contrast to the claims of the Americans who were prisoners of war in Japan, the Department of State has facilitated a settlement of the claims made against private German businesses by individuals who were forced into slave labor by the Government of the Third Reich of Germany for the benefit of the German businesses during World War II: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that it is in the interest of justice and fairness that the United States, through the Secretary of State or other appropriate officials, put forth its best efforts to facilitate discussions designed to resolve all issues between former members of the Armed Forces of the United States who were prisoners of war forced into slave labor for the benefit of Japanese companies during World War II and the private Japanese companies who profited from their slave labor.

#### FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. GRASSLEY. I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 1550.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved,* That the House agree to the amendment of the Senate to the bill (H.R. 1550) entitled "An Act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes", with the following House amendments to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

#### TITLE I—UNITED STATES FIRE ADMINISTRATION

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Fire Administration Authorization Act of 2000".

##### SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following:

"(I) \$44,753,000 for fiscal year 2001, of which \$3,000,000 is for research activities, and \$250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which \$6,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel;

"(J) \$47,800,000 for fiscal year 2002, of which \$3,250,000 is for research activities, and \$250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which \$7,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

"(K) \$50,000,000 for fiscal year 2003, of which \$3,500,000 is for research activities, and \$250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which \$8,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel."

None of the funds authorized for the United States Fire Administration for fiscal year 2002 may be obligated unless the Administrator has verified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 103 of this Act.

##### SEC. 103. STRATEGIC PLAN.

(a) REQUIREMENT.—Not later than April 30, 2001, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training; research, development, test and evaluation; new technology and non-developmental item implementation; safety; counterterrorism; data collection and analysis; and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an analysis of the strengths and weaknesses of, opportunities for, and threats to the United States Fire Administration;

(5) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(6) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in

training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(7) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(8) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(9) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(10) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency;

(11)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and a description of each course's provisions for real time interaction between instructor and students, the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance;

(12) timeline for implementing the plan; and

(13) the expected costs for implementing the plan.

##### SEC. 104. RESEARCH AGENDA.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade, professional, and non-profit associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic, trade, professional, and non-profit associations, and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.