

(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 dishonor 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—Bouganville, Tarawa, Cape Gloucester, the Marshall Islands, Saipan, Guam, and Peleiu.

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