

HOUSE OF REPRESENTATIVES—*Tuesday, May 1, 2001*

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 5 minutes.

INVESTIGATION OF CIVILIANS ON NAVY SHIPS CALLED FOR

Mr. FRANK. Mr. Speaker, the terrible tragedy that led to the loss of Japanese lives when one of our submarines surfaced and crashed into a ship obviously consists of the loss of those lives and the trauma of the other people involved, both on the submarine and on the Japanese trawler. But there is another disturbing aspect of that, although it is, of course, far less disturbing than the loss of life. But we cannot do anything about the loss of life. However, we can do something as a House of Representatives, which we are not doing, about the kind of circumstances that led to that.

It is clear that those lives would not have been lost were it not for the Navy's program of bringing civilians along on military activities for the purposes of lobbying the Congress of the United States. Now, that is true at one level without debate. That submarine would not have left port if it were not for the need to take 16 apparently well-connected, politically influential civilians for a ride. As the New York Times points out, that purpose was to build support among these civilians so they will lobby the Congress for more money.

In addition to the excursion for the 16 civilians being the sole reason for

that particular submarine going out, we have questions that the Navy refused to even ask, and certainly to have answered, about the extent to which the 16 civilians on board a very crowded submarine might have contributed to the terrible tragedy.

We have a commander who was ordered to take the submarine out for the purpose of giving the 16 civilians a ride, who has ended his career. That is a sad thing. He appears to have been a very able, very dedicated man. We have other sailors who may be disciplined.

No one appears to be dealing with the policy by which the Navy sent those people into that difficult situation, surfacing the submarine in an area where ships would be around, with 16 civilians present, and the investigation conducted by the Navy which led ultimately to the resignation of the commander appeared designed not to get to the bottom of these questions.

As the New York Times reported on April 22, one of the sailors who had initially indicated that the presence of the civilians was a problem, changed his testimony. Indeed, it appeared that the pressure was on him from the Navy to change his testimony. "It was very dramatic, recalled Jay Fidell, a lawyer and former Coast Guard judge who followed the proceedings as a commentator for the Public Broadcasting System," the New York Times reports. "There was this long pause, and then he said 'no'" to the question about whether or not the civilians had interfered. He previously said "yes."

What bothers me now is that this House of Representatives, with oversight responsibilities, appears to be ignoring what went on in that situation. The policy of the Navy of scheduling trips solely for the edification of civilians in the hope that they will become political lobbyists appears to be nothing we are going to challenge.

I do not think any other agency in the Federal Government guilty of this practice would be let off so easy. We are told that we do not have enough money in the budget for training missions, but we had enough money in the budget for a mission that had nothing to do with training, was not required for training, but was required to show off for 16 civilians.

We do not know who the 16 civilians were. Were they contributors? I did not think it was a good idea to let contributors sleep in the Lincoln bedroom under President Clinton. But we did not build the Lincoln bedroom solely to let them sleep there. We did not un-

dergo any expenses to let them sleep there.

Letting people sleep in the Lincoln bedroom seems to me to have probably less of a negative impact than sending out a submarine into waters where there are civilian ships, just to make 16 civilians happy. I would rather those 16 civilians have got 16 nights in the Lincoln bedroom than to have a submarine go out there.

Now, it is no one's fault that this led to the loss of life. No one wanted that to happen. Everyone is genuinely sad. A career of a very distinguished officer has, unfortunately, been lost to this. But we did allow a submarine to go out there, knowing that this is a dangerous thing.

So I hope my colleagues in the House with supervisory responsibilities will look into this policy. I believe we ought to say to the Navy, look, it is one thing if you let people observe something that is going to be happening anyway; but scheduling complicated military events, potentially dangerous ones, just so you can show off to people who will become political lobbyists? Do not do that anymore.

[From The New York Times, Apr. 23, 2001]
DESPITE SUB INQUIRY, NAVY STILL SEES NEED FOR GUESTS ON SHIPS

(By John Kifner)

HONOLULU, APR. 23, 2001.—The Navy's inquiry into the submarine Greenville's collision with a Japanese fisheries training vessel has sidestepped one factor in the fatal crash: a program hugely popular with the Navy brass in which thousands of civilians, many wealthy or influential, are invited on excursions aboard warships in hopes of bolstering support for the services and, ultimately, their financing.

Adm. Thomas B. Fargo, the commander of the Pacific Fleet, acting on the report of a three-admiral court of inquiry, is expected to recommend a review of the visitors program and suggest a few rules—some of which were already in place and violated by the Greenville—but the program is regarded as so vital, not only by the Navy but by all the services that it is likely to continue virtually unchanged, military officials say. "There is very strong support for this departmentwide," a Navy official at the Pentagon said. "There is no chance that bringing civilians to Navy units is going to stop. By no means."

The role of the visitors program in the accident that killed nine people aboard the Japanese vessel, the Ehime Maru, on Feb. 9 is still unclear for several reasons:

The court of inquiry was convened specifically because it was one of the few military panels that could compel civilian testimony, but one of the 16 civilians aboard the submarine were called before it.

The chairman of the panel, Vice Adm. John B. Nathman, said that part of his

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

charge from Admiral Fargo was to look into "implementation of the distinguished visitor embarkation program," but there was little testimony about it.

Two targets of the inquiry—the Greenville's captain and a sailor who failed to manually plot the location of the Japanese ship—have reversed their accounts on whether the presence of civilians in the control room was a factor in the crash.

"In my opinion the investigation is not complete," said Eugene R. Fidell, the president of the National Institute of Military Justice, in Washington. "Never to summon 16 witnesses jammed into that control room is bizarre. 'The Navy, I think, is collectively desperately concerned not to give up the distinguished visitor program.'" Mr. Fidell added. "They don't even want to talk about this. This is a real big deal to the Navy. 'It absolutely has to do with funding, weapons programs,'" he said. "They compete like crazy with the other branches." Last year, the Pacific Fleet welcomed 7,836 civilian visitors aboard its vessels. There were 21 trips aboard Los Angeles-class nuclear attack submarines like the Greenville, with 307 civilian guests, and 74 trips to aircraft carriers, with 1,478 visitors.

Defense Secretary Donald H. Rumsfeld, embarrassed by the incident, said at the time that he would order a review of the program. Mr. Rumsfeld made his statement after disclosures that the sole reason for the Greenville's cruise on the day of the incident was to give a tour to the civilians and that a Texas oil company executive was at the controls when the submarine shot to the surface, striking and sinking the Ehime Maru. Mr. Rumsfeld put a moratorium on civilians' handling controls, but otherwise the programs are continuing in all services. A Navy official said that no review orders had yet been issued by the Pentagon and that the Navy was conducting a review on its own. The submarine's skipper, Cmdr. Scott D. Waddle, is not expected to be court-martialed. Instead, Admiral Fargo, acting on the court of inquiry's report, is expected to announce an administrative punishment on Monday, under which Commander Waddle will resign from the Navy, ending his career at his current rank with an honorable discharge and a full pension.

On March 20, Commander Waddle's civilian lawyer, Charles W. Gittins, seemed to shift direction as he was winding up a rambling closing statement at the end of 12 days of hearings. Mr. Gittins raised the question of the 16 civilians with the retired admiral, Richard C. Macke, who made the arrangements for the submarine tour. Most of the civilians had been planning to take part in a golf tournament, which was later postponed, to raise money for restoration work on the U.S.S. Missouri, the World War II battleship on which the Japanese surrendered in 1945. Among them were oil executives, their wives and a Honolulu couple. Mr. Gittins also wondered aloud about whether there was a business benefit for anyone involved in getting the civilians aboard. Admiral Macke, once a four-star commander in the Pacific, lost his job after he made remarks deemed insensitive, saying that three marines stationed on Okinawa, Japan, who raped a 12-year-old girl in 1995 were stupid because they could have simply hired a prostitute. Although he is retired, Admiral Macke remains active in social affairs related to the Navy, and he is prominent here as an executive of a telecommunications company based in Reston, VA. To some people here, it seemed an implied threat that, if Commander Waddle were

to go to a court-martial, Mr. Gittins would raise the presence of civilians as part of his defense and might produce embarrassing material about the visitor program.

Commander Waddle, in his testimony—given voluntarily after he had been denied immunity—said the 16 civilians crowded into the control room did not interfere with operations. Asked twice by different admirals if the civilians were a factor in the accident, Commander Waddle each time replied, "No, sir." But last Monday, the main article on the front page of The Honolulu Advertiser quoted Mr. Gittins as saying that Commander Waddle had changed his mind and now believed that the presence of the civilians broke the crew's concentration at a crucial time. The article also noted that the visitors program "could figure prominently in the unlikely event of a court-martial and prove an embarrassment for the Navy." That same day, Time magazine published an interview with Commander Waddle that said the skipper had "revised his previously benign view of the presence of civilians on board."

Time quoted Commander Waddle as saying "Having them in the control room at least interfered with our concentration." But Petty Officer First Class Patrick T. Seacrest changed his account in the opposite way. Petty Officer Seacrest was the fire control technician, whose job involves keeping track of nearby ships as potential targets for a submarine's torpedoes.

On the day of the accident, an important piece of equipment, essentially a television monitor that displays the sonar soundings, was discovered to be broken soon after the submarine left Pearl Harbor. With the monitor down, Petty Officer Seacrest's old-fashioned plotting of the positions of vessels on paper became the crucial substitute. He was to have gotten up from his chair and gone to a nearby bulkhead to mark the positions on a scrolling device visible to the officer of the deck at intervals of about three minutes, a former submarine commander said. But some of the visitors were crowded into the narrow path between his post and the plotting paper, and he did not push through them to update the positions. Petty Officer Seacrest told the National Transportation Safety Board investigators and the preliminary Navy inquiry that the presence of visitors had interfered with his task.

John Hammerschmidt, the chief N.T.S.B. investigator, said Petty Officer Seacrest reported that "he was not able to continue his plotting." But when Petty Officer Seacrest appeared before the court of inquiry, testifying under a grant of immunity, he said the civilians had no effect on his task.

"It was very dramatic," recalled Jay M. Fidell (the brother of Eugene R. Fidell), a lawyer and a former Coast Guard judge, who followed the proceedings as a commentator for the Public Broadcasting System. "There was this long, long pause and then he said 'No.'" Under questioning, Petty Officer Seacrest agreed when one of the admirals told him, "You just got lazy, didn't you?"

The main note on the visitors program was struck in the testimony of the submarine fleet commander, Rear Adm. Albert H. Konetzni Jr., a strong advocate of using the program to gain support for more nuclear submarines at a time of shrinking budgets. Admiral Konetzni remarked that attack submarines were named for cities rather than for fish because "fish don't vote." His views were echoed by the other admirals. "The visitors program is the whole thing that's driving this," said Mr. Fidell, the former Coast Guard judge. "Every flag witness said

the same thing. It was like something out of 'The Manchurian Candidate.' They are desperate to protect this program."

[From The Washington Post, Apr. 21, 2001]

ACCOUNTABILITY AND THE NAVY

A decision by the commander of the Navy's Pacific fleet not to court-martial Cmdr. Scott Waddle or other crew members responsible for the collision of a Navy submarine with a Japanese fishing trawler in February is consistent with the recommendations of the three admirals who conducted a court of inquiry, a fourth admiral who investigated the incident and the record of handling previous accidents at sea. Unfortunately, it is also in keeping with the Navy's pattern of avoiding full disclosure or accountability for its failures.

Two weeks of hearings by the court of inquiry last month showed that Cmdr. Waddle violated procedures and failed to take proper safety measures while seeking to impress 16 VIP visitors aboard the USS Greenville. Among the other things, the veteran skipper took the submarine deeper than allowed, did not order a key piece of equipment fixed and spent only 80 seconds on a periscope search that should have taken three minutes. What followed was a collision that killed four young Japanese fishing students, two teachers and three crewmen aboard the Ehime Maru trawler. While accepting those findings, Adm. Thomas Fargo is expected to conduct a private disciplinary hearing for Cmdr. Waddle and allow his honorable discharge from the Navy with a full pension.

The Navy's attempt to justify this decision began even before it was made. The acting secretary of the Navy, Robert B. Pirie Jr., told reporters more than two weeks ago that he sympathized with Cmdr. Waddle and worried a court-martial might hurt morale among Navy officers. He praised Cmdr. Waddle's record; other officials pointed out that officers have not been prosecuted for past accidents and argued that an end to the commander's Navy career punishment enough. Said Secretary Pirie: "I think this incident is really tragic because of the possibility that the Navy will have lost Scott Waddle's services."

But the real tragedy is the loss of nine lives because of poor conduct aboard the submarine. And while that conduct may not have risen to the criminal, the Navy admirals who drew that conclusion had strong political incentives to do so. Ever since the accident occurred, Navy officials have tried to deflect public attention from the guests aboard the Greenville and the larger program of hosting civilians aboard ships. At first the Navy refused to disclose the civilians' names; though the board of inquiry was specifically charged with investigating the guest program and the role of the civilians, none of the VIPs was called to testify during 12 days of public hearings. There are conflicting and still-unresolved accounts about whether the civilians distracted the Greenville's commander and crew, but one fact is undisputed: The submarine's excursion that day and the emergency surfacing exercise that led to the collision were conducted solely for the benefit of the visitors, many of whom had earned the trip by raising money for a memorial to the World War II battleship Missouri.

Cmdr. Waddle's attorney made clear that his court-martial defense would have focused on the Navy public relations program, a tactic that might have produced just the embarrassment the Navy has tried to avoid. Did that prospect play a role in Adm. Fargo's decision? Yes or no, the absence of a court-

martial means the only examination of the civilian guest program will be buried in the 2,000-page report by the court of inquiry. News reports have suggested that Adm. Fargo will recommend a review of the Navy visitor program and a halt to the practice of conducting excursions solely for the benefit of visitors. Those sound like appropriate conclusions. But if the Navy has its way, the reasons for reaching them, and the role played by the visitors program in the Ehime Maru tragedy, will never get the full airing that a court-martial would have provided.

[From USA Today, Apr. 23, 2001]

NAVY DUCKS SCRUTINY

As the Pacific Fleet commander today metes out punishment against the captain of the sub that collided with a Japanese fishing boat Feb. 9, the disciplinary action is secondary to a more critical point: That the Navy itself is likely to get off unscathed.

The commander already has decided to forgo a court-martial, according to news reports. That means Cmdr. Scott Waddle won't be imprisoned for the botched procedures and cut corners that contributed to the deaths of nine Japanese passengers. Even so, he faces punishment short of jail time.

Not so for the Navy, which ducked self-scrutiny during the public hearings into the collision and is now poised to do so again.

During a 12-day court of enquiry into the deadly transgressions by Waddle and his crew, the Navy failed to question any of the 16 civilian guests for whom that day's sub ride was conducted. And it did so despite the enquiry's written mandate to probe civilian-guest programs. The Navy thus obscured the degree to which it improperly organized public-relations outings distract crew from more important duties, and harm the service's reputation.

It will use the same obscuring tactic today, reading Waddle his punishment behind closed doors in a brief "admiral's mast" proceeding rather than a court-martial. The latter would have been public and lengthy, and might have triggered an appeal during which any dirty laundry from the Navy's guest program might have come out.

Regardless of the merits of the court-martial decision, no valid interest is served by the Navy's failure to confront hazardous practices. The Navy had until last week to call more witnesses to prove more deeply the civilian guest program. It did not do so.

There's still opportunity for a full accounting. The Navy could report on what went wrong with its civilian visit. Among the questions that remain unanswered are whether the visitors distracted the crew, as some members initially told the National Transportation Safety Board; why the unscheduled civilian ride was held, against guidelines; whether guests were favored because of personal connections; and how pervasive such problems are.

If the Navy stays true to form, such a public accounting won't be forthcoming. It'll be left to the Department of Defense Inspector General or the NTSB to draw conclusions. But these are unlikely to satisfy public and congressional questions as fully as the Navy could, and should.

Shortly after the accident, Waddle publicly took responsibility for it. It's high time his superiors demonstrate the same sense of duty.

RESTORING THE LAFAYETTE- ESCADRILLE MEMORIAL

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's an-

nounced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I rise today to bring to the attention of my colleagues the deteriorating state of a memorial to our World War I aviators.

The Lafayette-Escadrille Memorial, which is located west of Paris, honors all the United States aviators who flew for France in World War I, with 68 Americans memorialized or buried on the site.

Formed in 1916 as part of the French army, the Lafayette-Escadrille was the birth of the American combat United States Air Force we have today. In fact, Captain Eddie Rickenbacker, the first U.S. trained ace, was trained by Mr. Lufberry, one of the original U.S. volunteers in the Escadrille. "Escadrille" is a French term for squadron.

Seven Americans formed the original American squadron. When the Escadrille transferred to U.S. command in 1918, 265 American volunteers had served in the French air service, with 180 of those having flown combat missions. In all, the Escadrille flew 3,000 combat sorties, amassing nearly 200 victories. By the end of the war, most of the fallen of the Lafayette-Escadrille were buried along the battlefield in various military cemeteries.

A joint French-American committee was organized to locate a final resting place for those American aviators. With land donated by the French Government, the Memorial was dedicated on July 4, 1928.

My colleagues, the memorial is a site to behold. It encompasses an arch of triumph with a series of columns placed on either side. It contains a sanctuary and a burial crypt. Sunlight fills the tomb by way of 13 stained glass windows. Each of these works of art depicts the Escadrille flying its many missions over the battlefields of Europe. One of the more striking stained glass works depicts the U.S. aviators escorted by an eagle on a symbolic flight across the Atlantic to come to the aid of the French.

However, sadly I report, the memorial is in desperate need of repair. The structure sits in a meadow with a high water table. Heavy rains flood the tomb, worsened by the poorly functioning drains and water leaking through the terrace behind the memorial. Structural repairs are needed for the crypt and the overall foundation, and double glass is needed to protect the remarkable stained glass windows.

In 1930, U.S. attorney Nelson Cromwell founded the Lafayette-Escadrille Memorial Foundation. He endowed the foundation with \$1.5 million for its maintenance, but unfortunately, all of those funds have been exhausted. Today, the foundation has a mirror organization in France and a pledge of

monetary support to restore the memorial.

Although studies to estimate the cost of restoring the memorial are ongoing, it is obvious that the resources required will exceed the meager means of the foundation. The French Government has already indicated its willingness to assist, and it is time for the U.S. Government to do the same.

Just as we did in World War I, World War II, and most recently, in the Gulf War, it is time for the U.S. and French Governments to join together in doing what is right and what is just. This is an important memory. We must perform the duty of living and properly honor the memory of those who gave so much.

Combining the efforts of private industry and Congress, it is my hope to join the French in restoring the memorial to its original beauty. It is the right thing to do, to honor our fallen aviators of World War I and to demonstrate our respect for the sacrifices of all Americans in service to our Nation and our allies.

I hope my colleagues will join me in supporting funding for the restoration of this magnificent memorial.

ADVOCATING A MORE APPROPRIATE ROLE FOR THE FEDERAL GOVERNMENT IN DISASTER RELIEF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, you cannot promote livable communities without examining the problems associated with our complex set of State, local and Federal policies for emergency relief. Many of these policies have encouraged people to live and invest in places where nature has repeatedly shown they are not welcome.

The recent increase in the number of natural disasters and the associated losses has clearly demonstrated that our protective strategies are inherently flawed. We had better figure it out before we are overwhelmed by further impacts of global climate change.

In the last decade alone, we have lost nearly \$100 billion and almost 1,000 lives. Although we have invested tens of billions of dollars in dams and levees over the last 40 years, our losses now total almost six times the amount lost before we began. Natural forces continue to confound our best engineering efforts.

The average coastline in the United States is due to erode approximately 500 feet over the next 60 years, and this figure does not take into account any rise in sea level or increased intensity of storms due to global warming. Walling off our coastlines is a contest we are going to lose.