

(2) by inserting after subsection (b) the following:

"(c) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a United States person involved in the export, transfer, or trade of an item on the MTCR Annex, it shall be a rebuttable presumption that such item is designed for use in a missile listed under the MTCR Annex if the President determines that the likely final destination of the item is Iran, Iraq, Syria, Libya, India, Pakistan, or North Korea."

(b) EXPORTS BY FOREIGN PERSONS.—Section 73 of the Arms Export Control Act (22 U.S.C. 2797b) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a foreign person involved in the export, transfer, or trade of an item on the MTCR Annex, it shall be a rebuttable presumption that such item is designed for use in a missile listed under the MTCR Annex if the President determines that the likely final destination of the item is Iran, Iraq, Syria, Libya, India, Pakistan, or North Korea."

Mr. PRESSLER. This amendment creates a new provision in existing ballistic missile sanctions legislation to allow the President to assume that certain exports to countries of proliferation concern are sanctionable under American law. This is accomplished by creating a rebuttable presumption and shifting the rules of evidence and current practice.

The current law on ballistic missile proliferation says that if certain goods are exported to a Missile Technology Control Regime [MTCR] missile program, then the sender can be sanctioned. The problem in practice is that in almost every case, the available intelligence indicates that the item in question is going to a missile program but we do not know if it is within the parameters of the MTCR—range and/or throw-weight. That is, is this equipment or material destined for some big missiles or a lot of little ones?

Therefore, the administration has been using the lack of evidence as an excuse to say that "Well, yes, this or that Chinese company did send this missile equipment to Syria but there is not enough evidence to conclude that it is going to an MTCR missile program and not to a smaller missile program outside the parameters of the MTCR". For example, in May 1993 Senators PELL and HELMS sent a highly classified letter to the administration complaining about six separate missile equipment transfers by the Chinese to the Middle East and the Senators received a "not enough evidence" answer which infuriated Democrat and Republican staff.

This amendment create a rebuttable presumption that anything on the MTCR equipment list which the President determines is destined for Iran, Iraq, Syria, Libya, India, or Pakistan is sanctionable under American law. This means that the foreign shipper can come in to the Government and show that the items in question are not

within the MTCR parameters or are destined for some innocent purpose.

Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate?

Mr. KERRY. Mr. President, before we do, I just want to make sure that we are fully cleared on this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KERRY. Mr. President, we are prepared now to accept the amendment of the Senator, and I apologize for the delay.

Excuse me just one second. I want to make sure we are talking about the same amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PRESSLER. Mr. President, because of the parliamentary situation we are in and only because of that I have agreed with the manager of the bill to withdraw this amendment temporarily. But it does not mean it is not going forward. Indeed, we will seek a rollcall vote on it if necessary, but I believe it has been cleared on both sides.

In any event, to summarize a long speech, I withdraw the amendment, and I am dying to hear from the Senator from Arizona.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment, and the amendment is thereby withdrawn.

The amendment (No. 1261) was withdrawn.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. McCain].

AMENDMENT NO. 1262

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCain] proposes an amendment numbered 1262.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) The government of the United States is committed to seeking the fullest possible accounting of American servicemen unaccounted for during the war in Vietnam;

(2) Cooperation by the Government of Vietnam on resolving the fate of those American servicemen unaccounted for has increased significantly over the last three years and is essential to the resolution of outstanding POW/MIA cases;

(3) Substantial and tangible progress has been made in the POW/MIA accounting process;

(4) Cooperative efforts between the U.S. and Vietnam should continue in order to resolve all outstanding questions concerning the fate of Americans missing-in-action;

(5) U.S. senior military commanders and U.S. personnel working in the field to account for U.S. POW/MIAs in Vietnam believe that lifting the U.S. trade embargo against Vietnam will facilitate and accelerate the accounting efforts; and

(6) Therefore, in order to maintain and expand further U.S. and Vietnamese efforts to obtain the fullest possible accounting, the President should lift the U.S. trade embargo against Vietnam immediately.

AMENDMENT NO. 1263 TO AMENDMENT NO. 1262

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. Kerry], for himself, Mr. MCCAIN, Mr. ROBB, Mr. MURKOWSKI, Mr. KERREY, Mr. SIMPSON, Mr. JOHNSTON, Mr. PRESSLER, Mr. WARNER, Mr. INOUE, Mr. CHAFFE, Mr. PELL, Mrs. KASSEBAUM, Mr. MATTEWS, Mr. BENNETT, and Mr. AKAKA proposes an amendment numbered 1263 to amendment No. 1262.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the first word in the pending amendment and insert the following:

OF THE SENATE.—It is the Sense of the Senate that—

(1) The government of the United States is committed to seeking the fullest possible accounting of American servicemen unaccounted for during the war in Vietnam;

(2) Cooperation by the Government of Vietnam on resolving the fate of those American servicemen unaccounted for has increased significantly over the last three years and is essential to the resolution of outstanding POW/MIA cases;

(3) Substantial and tangible progress has been made in the POW/MIA accounting process;

(4) Cooperative efforts between the U.S. and Vietnam should continue in order to resolve all outstanding questions concerning the fate of Americans missing-in-action;

(5) U.S. senior military commanders and U.S. personnel working in the field to account for U.S. POW/MIAs in Vietnam believe that lifting the U.S. trade embargo against Vietnam will facilitate and accelerate the accounting efforts;

(6) Therefore, in order to maintain and expand further U.S. and Vietnamese efforts to obtain the fullest possible accounting, the President should lift the U.S. trade embargo against Vietnam expeditiously; and

(7) Moreover, as the U.S. and Vietnam move toward normalization of relations, the Government of Vietnam should demonstrate further improvements in meeting internationally recognized standards of human rights.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I understand the amendment is in the form of a second-degree amendment?

Mr. KERRY. It is in the form of a second-degree amendment to the amendment of the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, the amendment that I have sent to the desk commences what I and other Senators believe is a very important discussion for the U.S. Senate.

I have sent this amendment to the desk with 16 cosponsors. They are: Senator MCCAIN; Senator ROBB; Senator MURKOWSKI; Senator Bob KERREY of Nebraska; Senator SIMPSON; Senator JOHNSTON; Senator PRESSLER; Senator WARNER; Senator INOUE; Senator CRAWFORD; Senator PELL; Senator KASSABAUM; Senator MATHEWS; Senator BENNETT; and Senator AKAKA.

This amendment seeks to address the question of our current relationship with Vietnam and the embargo that is currently in place pending judgments about the accounting of our prisoners of war.

Mr. President, I know this is a sensitive issue, as does the Senator from Arizona. We bring it to the floor with the utmost sensitivity and with a great deal of consideration. We believe very deeply in one simple concept: That if we urge the President of the United States, as this amendment seeks to do, to expeditiously lift the embargo against Vietnam, we will do a better, faster and more thorough job of providing answers to our families and to our veterans about POW-MIA.

We do not offer this amendment to pick a fight with anyone. We do not do it with any disrespect to anybody. To the contrary, I think it is fair to say we do it with the utmost respect, particularly to the families who have carried with them deep questions for 20-plus years about what happened to loved ones who were lost in Vietnam. But we are convinced that the goal of achieving the biggest accounting possible of our veterans is best served by moving forward in a cooperative process that will get Americans into Vietnam and help us to find the answers that we seek regarding those loved ones.

I know that some are going to come to the floor and say, "Don't reward Vietnam." This is not a reward. We will explain 100 different ways why it is not. Some will say, "Don't take your leverage away." We will point out it is not a question of taking away leverage, but rather a question of giving us more leverage, about how this is a mecha-

nism for opening the doors that have been shut for 20 and 25 years.

More than 25 years ago, many of us who are cosponsors of this legislation put on the uniform of our country and volunteered to go across the ocean to Vietnam to fight for freedom. We hoped ultimately for a democratic nation. Like so many others, I joined and I volunteered and I went because I wanted to beat back communism, I wanted to give the Vietnamese a chance for themselves. For reasons far too numerous and, frankly, not even relevant to the discussion today, that particular effort failed.

But we come to the floor today convinced that that difficult period of 25 years ago and the democracy and the freedom that we sought then do not have to become the story of a chapter of failure. Rather, if we take the right steps, in the days ahead, Vietnam can become, finally, a chapter of success for this country.

We believe that it is by giving meaning to the 58,000-plus names on the Wall in Washington, by ending some of the divisions in this country and understanding how we can best answer the difficult questions that remain for families that we can, indeed, begin the process of writing that final chapter of this war. Millions of Vietnamese citizens supported us, and they are still in Vietnam. Hundreds of thousands of soldiers supported us. They are still in Vietnam, some of them without arms or legs and only their scars as the witness to their service for our country and our ideals. They could benefit by the infusion of American assistance and ultimately a relationship. They would benefit by more Americans being in their country to guarantee human rights and to guarantee that they ultimately may be able to have the chance to live in the kind of society that we originally fought for.

So much is at stake in the decision we make or not make. But what is really critical, as colleagues make a judgment about whether or not we should move forward, is the basic goal: How do we best get the accounting for our families? That is the issue. The President of the United States has followed a policy first established by President Reagan, followed through on by President Bush, that he is going to try to get the fullest accounting possible of our missing. Mr. President, you cannot do that if you are not there. You cannot get that accounting if the Vietnamese do not cooperate with us. You cannot get that accounting if you are not talking to the Vietnamese soldiers, the Vietnamese leaders, the generals, the others who know something about that war. You cannot get the answers if you do not have access to the archives. You cannot get the answers if you cannot go around their countryside asking questions and searching.

For 19 years or so, we were not able to do any of the things that I just talked about and, in fact, we did not get answers. Families lived year after-

year after year not knowing what happened to some loved ones and, frankly, not having the Government of this country do enough to find out. Then finally, in 1988, Gen. John Vessey went over to Vietnam and began a process of engagement. President Reagan is to be commended for having entered into that effort to try to guarantee that we had a greater accountability process. General Vessey painstakingly built up a process by which we gave a little, they gave a little, we gave a little, we kept pressure, we kept the process going, and we have begun to get answers.

When I started with the POW-MIA Select Committee, we had 2,268 people on the list of those missing or POW in Vietnam. We are now down to 2,238—not a huge reduction. But the reason that that reduction is not as great as it might be reflecting the answers we have truly found is that in order for a name to come off the list, you have to have the remains back in this country and the remains have to be fully identified. We have had difficulty—difficulty finding remains, difficulty getting the remains hopefully identified. In some cases, we do not find enough of the remains to be able to positively identify. In other cases, not for the want of the Vietnamese turning over remains, we are simply not able to make an identification. But we have been able to make many identifications.

What I think is a far more significant figure—and I think this is an important figure when you measure it against the assertions of some veterans groups and some individuals regarding this issue. We often hear people say: "We're not making progress. The Vietnamese can do more, there's not enough progress." Let me first ask colleagues to reflect on what is happening in Vietnam today in the context of this effort.

No two nations that ever fought a war against each other have ever entered into as significant an arrangement or as significant an endeavor to try to find the missing as we have been doing in 1992, 1993, and 1994. This is the most significant remains retrieval and identification effort in the history of warfare. You cannot find a time with the Romans or the Greeks or the Germans or the Japanese, or anyone else, where two nations that have fought against each other are side by side out on those battlefields trying to find remains and find the answers. This is the single most important effort.

In an effort to try to put the Vietnamese to the test back in the early 1990's, or late 1980's, General Vessey went through the list of 2,268 names. Out of those 2,268 names, 1,600-plus are in Vietnam; 500 or so are in Laos; and the remainder in Cambodia.

Of those 2,268, General Vessey—I think it was 68 at the time—General Vessey went through the loss incidents of those cases; and he chose the hardest cases, the cases where we would have some cause for possible belief that

someone might have survived their incident.

General Vessey read the folder, the loss incident, and he took those cases where we had a belief that captain so and so, or major so and so, or lieutenant so and so might have survived his incident or that we just did not know what happened to him. You might have had two airplanes flying beside each other and then there was an explosion and one disappeared in a fireball. They did not see a parachute. On the other hand, the last thing they knew the person was alive and flying the plane. They did not have any contact on the ground. They did not see the parachute. We list the person as MIA. They are on the list.

You may have had a much more compelling case where you actually had a parachute and you had somebody dropping to the Earth, and you had radio communication with the person. Then they were on the ground and they heard the enemy coming, and in the radio communication they said, "I hear the men. I'm going to have to sign off now." And that is the last we knew of that person. We know they reached the ground. We know they were alive. We know they were in the vicinity of the enemy, but we never heard from them again.

Or we had instances where we knew someone was captured. We knew they were in prison. We knew they died. But we did not get their remains back, so that raises a question: How can you have somebody in captivity and not know where the remains are?

General Vessey put 196 of these tough cases in front of the Vietnamese. For someone who says we are not making progress, I ask them to measure what has happened to those cases. They have gone from 196 cases down to 73 cases, and of those 120 or so cases that we have resolved, we now know to a certainty what happened to that person. We know now to a certainty that person is not languishing alive in a bamboo cage in Vietnam. We know to a certainty that person was not a captive. We know to a certainty where they died, how they died, and we are now in the process of trying to excavate and find their remains. We are currently spending about \$1.7 million per remains which we are trying to retrieve in Vietnam.

Now, for people who say to me, "Senator, that's not important; the Vietnamese could just tell you all about it," I ask them to look at the reality of what happened just last week in Vietnam when I was there. We had a site in Quang Ngai Province where we lost five personnel, ground troops on a long-range mission. They went up into a small hillside and all five of them were shot. We know they were shot at the time because our rescue people went in to get them. When our rescue people got there, they found only two bodies buried in a very shallow area of rock, but they saw a trail of blood leading down from those two bodies into a

field. They recorded this in the reports at that moment in time.

The Vietnamese in the last weeks have helped us find the people who shot those men. They helped us find the people who were witnesses to the burial. And by finding the people who were witnesses to the burial, we were able to find an area in the field that we literally isolated and took over as an archaeological dig. We dug up some farmer's field with the help of the Vietnamese finding it because they told us that the three other bodies were lain out one, two, three beside each other right there in the field.

Now, Mr. President, I would like to share with my colleagues photographs of this effort that some people say is not cooperative.

This is an archaeological dig in a particular field in Vietnam. This is what we are doing, case by case, in order to eliminate the possibilities. We cannot do this without the cooperation of the Vietnamese. If they do not help us find the place, if they do not let us fly to the place, if they do not go to the place to dig with us, if they do not help us get the permission of the local people, if they do not help us find the people who know what happened, this does not happen and a family does not learn anything.

Right up here in the back is the hillside, and I landed in a helicopter right over here the other day and walked through this dig the day I was there. The day after this it was even larger. This is an example of how complicated it is to find the remains.

Here is another picture from another angle of the dig area. These are Americans, American soldiers, I might add, active duty American military personnel, working side by side with Vietnamese military personnel. They are out there in the jungle with snakes and unexploded ordnance, in extraordinarily uncomfortable conditions, week after week, without their mail. We do not have diplomatic relations so they do not have anything coming in. They are out there digging on a daily basis. This is an example.

Here is a closer example of the extent of this dig, with people going in, walls caving in, constant work, bucket for bucket. Every single bucket of earth that is unearthed is sifted and the Vietnamese are setting up lines of people to help us sift through it.

Here is another example of this dig from another angle with folks just sort of walking around looking at it.

Here is an example of Vietnamese themselves working right in the dig, villagers, army personnel and others helping us, bucket by bucket, to bring this out.

Well, this paid off. On the last day of the dig, just as they were about to give up, they uncovered the three bodies lain out one by one, right beside each other, precisely in the manner that was described.

Now, we have not positively identified those three bodies yet, but one

would assume, given the extent of information and knowledge we have about what happened, that the chances of positive identification are enormous. This is precisely how we have identified cases to date.

This is painstaking. Why do we have to do it? We have to do this because until you found those three bodies, you had people running around this country claiming every conspiracy in the world: That they went to Russia; they went to China; or they may be alive.

We have an obligation to find out the answer for our families. So we are doing it. But I wish to emphasize to every colleague the answers are not here in this country. The answers are in someone else's country, a country called Vietnam. And unless the Vietnamese let us do these things, our families will not get answers. It is that simple.

Now, Admiral Larson, the Commander in Chief of the Pacific fleet, went to this dig, as he did to others in the ensuing days, and he has concluded, as have the other senior active duty military people who have served during this war, that we need to lift this embargo in order to guarantee that this kind of cooperation continues because we made a deal with the Vietnamese.

The deal we made with the Vietnamese was if they help us get documents and they help us get archives and they help us get access and they help us with the excavations and the cases, we will reciprocate. That is the road map to deal with this embargo.

(Mrs. FEINSTEIN assumed the Chair.)

Mr. KERRY. Now, let me just say, Madam President, after I went to this dig, I flew up into the highlands. I landed in a place where our special forces used to work. There I saw the most remarkable sight. We landed in the midst of 2,000 Montagnard tribespeople who welcomed us there to help dig up their field and look for American remains. There was a huge hole in the middle of this extraordinary plateau and there were 100 Vietnamese troops in a bucket brigade working alongside Americans, bucket for bucket, lifting out the dirt from this hole in order to find out whether three bodies might still be within this aircraft because we do not know what happened to three crew members, although we recovered two of the crew members in this explosion in the loss of this aircraft.

I walked down 3½ meters into the Earth, right beside the wheel base of this aircraft, and all around me in the red earth was disintegrated aluminum, shreds from this aircraft which I could pull out of the Earth with my hands, and did. Bucket for bucket, this is being sifted in order to discover whether or not there might be the remains of the three people we cannot find to determine whether or not they might have been alive. Were they prisoners

somewhere? Were they not? One hundred Vietnamese soldiers.

Now, we have a decision to make. We can lose this cooperation if we do not begin to act in a mature and sensible fashion with respect to this relationship.

This cannot be a one-way street. We sat there for 19 years in a one-way street, and we got nothing. For the last 2 years, we have had a two-way street, and we have gotten the greatest amount of cooperation that we have ever had. Let me describe that to my colleagues.

A couple of years ago when I first went back to Vietnam, we had no office in Hanoi, no permanent office. We had one or two people occasionally visiting and working out of a hotel. We had no access to archives. We had no access to the countryside. We could not go out except on a few missions, and we had none of this kind of cooperation. We had no interviews of Vietnamese generals, battalion commanders, or the historians of their tradition houses, as they are called. We had no access to military bases. We had no access to prisons. We had not had, at that point in time, an ability to interview a whole bunch of people who held JOHN McCAIN a prisoner who were involved in some of the major battles with us. We did not have the ability to follow up on live sighting reports, and many veterans in this country were saying, "What are you guys doing? We are getting reports of live Americans, and you do not even go over there and look." Well, we did not have the ability to go and look wherever we wanted.

Madam President, in the last 2 years we have had a remarkable change. We now have a permanent office in Hanoi. We now have 107 active-duty military personnel in Vietnam. We have American military personnel who are allowed to travel anywhere they want in Vietnam without escort. We now have our general with a multiple reentry visa so he can come in and out whenever he wants to, which we did not have. We now have an archival researcher who has a permanent pass to go into the national defense archives of the Vietnamese and the national archives and research on a daily basis, and they are doing that.

We now have had every single live sighting report that we had that was considered an active live sighting report followed up on. We have gone out and landed in their military bases unexpectedly. I did that with Senator SMITH. We landed unauthorized in the middle of a military base, and 100 soldiers ran up to us. And we interviewed them and talked to them spontaneously about whether they had seen Americans.

We went into prisons spontaneously. We were allowed into sections of the prisons they did not think we were going to go into. We were allowed to haul their prisoners out of their cells and interrogate them as to whether or

not they had seen Americans or knew anything about prisoners of war.

We have been allowed to go into every single one of their tradition houses. They have now been visited.

They have turned over to us some 20,000 documents, 5,000 photographs, and those documents have helped us with specific cases about specific people who were lost, and we have in fact been able to bring home to families news about their loved ones as a consequence of those kinds of documents. I would like to share with my colleagues an example of the kind of documents that we are receiving as recently as last week.

We have been able to secure some of the documents that we thought, through our intelligence sources, were the most important documents in helping us to resolve some of the cases. Let me give you an example of the kind of assistance we have.

Last summer or somewhere in that vicinity, we received photographs that showed an American pilot dead on the ground. So we now had evidence of a soldier, an airman, who was shot down and who had died. But we did not have remains. We did not know the circumstances of the death. So we have begun a process of trying to track that down.

The Vietnamese delivered to me, and they delivered it to Secretary Lord a few days earlier also, a document that has the names of people who died in captivity, where they died, the date they died, where they were buried, and now we are going out to the sites of those burials. We are person for person able to try to corroborate whether or not the death was in circumstances we believed it to be or have subsequently learned it to be or now know it to be.

This will enable us ultimately to do what these people are doing here, which is do the final corroboration. It will not happen next month or 10 months from now. This could take us 5 years or 10 years. We cannot sit frozen in a time warp with respect to Vietnam believing that somehow, not engaged, not having Americans there, we are going to empower this process more than we will in our current status.

Let me give you another example. We are now interviewing soldiers. I would like to share with you a rather remarkable moment. I went back to Vietnam last year with Senator JOHN McCAIN and with Congressman PETE PETERSON. Both of them spent about 6 years-plus in Hanoi in prison. It was a remarkable thing to walk back into this prison where they had spent this time of agony and pain.

We were able to witness Senator JOHN McCAIN and Congressman PETE PETERSON being able to publicly, in front of the press, interrogate the people who had interrogated them 20 years ago. That is a remarkable turn of events for any proud country to allow there senior military people and others to be subjected to public interrogation.

We are now receiving documents from military people. This is an example of one. It is a battalion commander's war diaries. It talks of specific shootdowns and specific incidents. His personal diaries have now given us information with respect to several cases that we needed information on. As a consequence of these diaries, our teams are able to go out, talk to more people, gather more information, and, hopefully, find some resolution with respect to a family's questions.

Madam President, we can sit here and we can play sort of a strong-arm tactic that says, until you—as the American Legion says—turn over the live prisoners, we are not doing anything, despite the fact that unanimously the Senate select committee signed off on the fact that there is no compelling evidence that anybody is alive. Not one of our people in Vietnam has found any evidence that they are alive.

I might add that we met with 14 ambassadors of our allied nations—France, Belgium, Germany, Sweden, Great Britain, Australia. They have been in Vietnam since 1975. And not one of those embassies has ever had one bit of information come to them that an American was alive in Vietnam. They have been there even in the dark days of 1975, 1976, and 1977 when we could not get anything into Vietnam. They have told us they have never received any information. That is, after all, how Bobby Garwood came out of Vietnam. He came out by going up to a foreign person. If Bobby Garwood can get out by going up to a foreign person, then the more people you have in the country, the more opportunity there would be for some potentially live persons to go up to somebody and get out.

Just the other day an American businessman who was in Hanoi under the current legal structure where you are allowed to be there but you cannot do business, hung an American flag out his window. People came in off the street because there was an American flag. And they told him information about someone they knew had been killed. He turned the information over to our team, and our team is now following up on it and believes it is valuable information. That is because you had an American flag and an American in the country.

So you know, we can sit here and say no, no, no, no.

You have to give us this, even though we do not know for sure they have it; we think they might, but we do not know. Until you give us what we do not know you have, we are not going to do anything. Well, that is now an invitation to disaster, because we made a deal with the Vietnamese. The deal was: If you cooperate, we will cooperate. And we are running out of gas. We have asked them to extend that cooperation. I think we are reaching a point where we can see this shut down and we can see less people able to trav-

el and we can see less answers coming back to our people.

Madam President, for people to say "why do we not pay a lot of money and cut a deal and get them all back?" we have tried it. I personally walked around with the foreign minister in the garden talking to him and said, "Suppose we would pay you \$1 billion." And I said, "If we offered money and if you have live people, and we get them back, can we cut a deal?" General Vessey tried it. Assistant Secretary of State Solomon tried it. Winston Lord tried it. The Vietnamese look you in the face and say, "We do not have anybody. We would love to do it, but we cannot give you somebody we do not have."

So, Madam President, even at the point where George Bush was about to leave office, a deal was offered to them that if they could give a number of remains, we would lift the embargo. Do you not think they would have given the remains and had the embargo lifted? But they could not do it. When our Senate-committee was there, we said, "This report we are going to put out is a very important report, and it will help condition how Americans view this issue. If you can get more remains or documents, you have a better chance that this report is going to be a stronger one." Notwithstanding that reality and their good knowledge of the American media structure and our politics, they were not able to ante up anything dramatic to change the dynamic.

You tell me, if George Bush could not get it when he was leaving office and he could have lifted the embargo if they produced 25 remains, how you wait until 20 years and push them to do something they have not done in the last 19 years? It is beyond me. Do you think the Vietnamese are going to walk up with some smoking gun document and say: By the way, we are happy to tell you that we had 50 people alive for 20 years and we used them as slave labor, and then we shot them. Now we are giving you the evidence, and we want you to give us normal relations—and, by the way, help us a lot.

It is not going to work that way. It is going to work this way—painstakingly. The way we are going to get answers is the way we have received the documents we have received so far—by working cooperatively with them and getting people who can point to where the documents are, by holding them up in their face in a way that shows the evidence as we find it and by confronting them.

I want to make it very clear to my colleagues that there is nothing in this amendment that is based on trusting the Vietnamese or anyone else. This is a verification process, not trust. But the way we are going to verify is to get Americans into their country, is to have access to their records, is to interview their people and proceed painstakingly down this road. We are not going to get those answers by

stonewalling and setting up a barrier between us and them that merely continues the difficult years we had when we did not get any answers.

I can only say to my colleagues that one of the great mistakes we made in the war was not listening to the people who were in the field fighting the war. So the politicians back home gave in to whatever impulses and made a lot of decisions and even called bombing raids from the White House. Well, let us practice that lesson in 1994. We have soldiers in the field who are telling us today that they will be helped by lifting the embargo. Our commanding admiral was just there. He thinks we will be helped. General Christmas, a war hero from the U.S. Marines, a Navy Cross winner, wounded at Hue, believes we ought to move forward in ways that will open up the process so that we can begin to really get the answers. General Needham, Tom Needham, wounded at Kontum, fought in Vietnam, two tours, volunteered, went back, and now is back there commanding this effort. He says, "Help us open up the process," and the way you open up the process is by reciprocating.

Madam President, I think our colleagues ought to understand the significance of what is happening in Vietnam. On that plateau, which I described a moment ago—and I did not quite finish the story—in that hole of that C-130, they just took out 100-pound bombs, 18 of them, and they had to be defused so these guys could do the digging they are doing. We have people walking in high jungle area, a 4½ hour walk up a mountain between red flags, in order not to set off unexploded ordnance, in an effort to try to do this. They are telling us that it will help them if you lift this embargo, if you get more Americans in there, if you facilitate their access to these places.

So I hope colleagues are going to think hard about what the reality is. Sixty percent of Vietnam is under the age of 24 years. The vast majority of this 77 million population does not know anything about the war, except for the craters that they walk in and the digs that they see us doing. When they saw me, an American, they were delighted I was not a Russian and they were thrilled to see us.

We ought to start to wake up to reality here, Madam President. Some Senators may talk about conspiracy theories and other things. Our Senate report found unanimously that there has been no conspiracy to hide here. We have had sloppiness and inadvertence and some negligence, but we have not had people willfully try to hide something. We have had some tragedies in this effort. But the bottom line is that we are getting answers. We are down to 73 tough cases. In some of those cases we may never find the remains. We may never find the answers. But we have to understand that the best shot of doing so is to guarantee

that we have access and that we have Americans moving around the country.

There are many other reasons, Madam President—and I could offer them—as to why this is important. But it is not really what this issue is about. We could talk about China and the importance of being involved in the region. We could talk about the efforts to try to sustain some of those kids and others who still look to us and who wish we were there in some way or another. We could talk more about the people that we supported and who fought with us. We could talk more, I suppose, about the larger economic interests and other things.

In fact, this embargo is, candidly, not an embargo against the Vietnamese anymore. It is truly an embargo against ourselves, because Vietnam is growing at 7 percent a year, and the French, Germans, Taiwanese, Japanese, and others are not hesitating to invest. They have invested something like \$10 billion—\$2.9 billion in the last couple of years. The country is growing. They will do fine without us. They would like to deal with us, but they will be OK without us.

Boeing, the other day, on the other hand, lost eight airplanes to Airbus, and Digital lost a huge contract to one of the Japanese companies. We will never see those again. That is OK, because this is not about economics, and that is why I am not dwelling on it. The issue before the U.S. Senate is how do you guarantee that we are going to get the best accounting possible, and based on the experience of General Vessey, based on the plea of Admiral Larson and the people who are in the field, based on the reality of what we are seeing and the documents being produced and the access to people and the whole capacity we have to crisscross their country, it is clear to me that if we do not move forward, we could be jeopardized and lose the opportunity to get answers.

I will have more to say on this at a later time, Madam President; but I happily turn to my colleague, the Senator from Arizona.

Mr. MCCAIN. Madam President, go ahead. I yield to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. HELMS. Excuse me.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. HELMS. Pardon me.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. PRESSLER. I yield to the Senator.

Mr. HELMS. Suggest the absence of a quorum.

Mr. PRESSLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Arizona has the floor.

Mr. McCAIN. I thank the Chair.

Madam President, I rise with Senator KERRY today in the hope that the Senate may join with us in recognizing that the time has arrived to begin a new chapter in our troubled history with Vietnam.

Let me say at the outset, Madam President, that whenever I consider our relationship with Vietnam, I try very hard to do so without succumbing to the sentimentality that so often clouds our judgments about our former adversary. The grievances I hold against Vietnam are not personal, nor are they premised primarily on the Vietnamese leadership's past offenses to the United States, to their neighbors, to their own people and to mankind. They are, in large part, objections to Hanoi's current failings.

Similarly, my hope for a better relationship with Vietnam is not intended to fulfill a personal need to reach closure on the Vietnam War. Such a goal may still be important to some, but I made my peace with that the day I returned to the United States. My support for better relations with Vietnam is based on my judgment that improved relations would best serve the national interests and values of the United States—period.

Today, we are calling for an end to the United States trade embargo against Vietnam. We do so not out of guilt, not out of sentimentality, not because of pressure from any special interest groups. We do so because we believe such a move is in the best interests of the United States, as well as the people of Vietnam.

The issue involved in our relations with Vietnam of greatest importance to the American people is the accounting for our POW/MIA's. Contrary to what Members may hear from some opponents to this amendment, Vietnam has been cooperating and cooperating substantially in our efforts to account for our missing. Senator KERRY has made that case clear in his remarks.

Support for that view comes from every single person involved in our accounting efforts, most of whom wear the uniform of the United States—beginning with Gen. John Vessey, former Chairman of the Joint Chiefs of Staff under President Reagan, and appointed by President Reagan to serve as his emissary to Vietnam for POW/MIA affairs, a man who has served this country with singular distinction for half a century.

Adm. Charles Larson, commander-in-chief of United States forces in the Pacific, has recently traveled to Vietnam and proclaimed that cooperation from Vietnam "across all fronts has been ex-

cellent." He is joined in that view by Gen. Tom Needham, the commander of the joint task force for a full accounting, as well as all U.S. personnel who labor under very difficult conditions to resolve the fate of America's missing.

Madam President, I ask unanimous consent at this time to print in the RECORD an article from the Washington Times entitled "Admiral Is Latest U.S. Official To Laud Vietnam's Cooperation."

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

ADMIRAL IS LATEST UNITED STATES OFFICIAL
TO LAUD VIETNAM'S COOPERATION
(From Combined Dispatches)

The highest-ranking U.S. officer to visit Hanoi since the Vietnam War said this week he will report that its "cooperation across all fronts has been excellent" in the effort to account for missing Americans.

The assessment by Adm. Charles R. Larson is expected to weigh heavily in President Clinton's decision on whether to lift a 19-year trade embargo against Vietnam. Mr. Clinton has said the decision is contingent on Hanoi's cooperation in the search for U.S. servicemen and on progress in the accounting for MIAs.

I don't think they're holding anything back," Adm. Larson, commander of U.S. military forces in the Pacific, said in Pleiku Tuesday.

On his last day, he visited American and Vietnamese teams working in the field as part of the largest investigative and excavation operation since the war ended in 1975.

Adm. Larson is the latest in a series of U.S. officials to come to Vietnam, including State Department and congressional delegations.

His visit was seen as another signal by the United States to Vietnam that it is moving toward the restoration of economic and diplomatic ties broken in 1975, when Communist North Vietnam overthrew a U.S.-sponsored regime in South Vietnam.

Subsequently, Vietnam repulsed China in a brief but violent 1979 border war. Beijing launched the crossborder attacks to "punish" Hanoi for ousting the Khmer Rouge regime in Cambodia.

Sen. John Kerry, a member of the Senate Foreign Relations Committee, whose views may also influence Mr. Clinton, was in Vietnam Sunday when Adm. Larson arrived and indicated he would support an easing or end to the U.S. embargo.

Mr. Kerry, who is a Vietnam combat veteran and was also chairman of the defunct Senate Select Committee on POW-MIA Affairs, said American businesses are suffering from the embargo.

"The embargo is not an embargo against Vietnam," said the Massachusetts Democrat. "It's an embargo against ourselves, against U.S. business. Vietnam is not being hurt by it practically."

Premier Vo Van Kiet, who met with Mr. Kerry Saturday, urged Mr. Clinton to normalize relations soon, saying this would lead to cooperation in other fields.

Many families of the MIAs and some veterans organizations strongly oppose lifting the trade embargo. They say there is no substantial progress and claim Vietnam has withheld information and some remains.

The United States lists 2,238 Americans unaccounted for in Southeast Asia, including 1,647 in Vietnam, 506 in Laos, 78 in Cambodia and eight in China.

"I think the fact that I'm here shows that there's been a level of cooperation that has

been very good," Adm. Larson told reporters. "Certainly if the cooperation level was not good, I would not be here. I feel a heavy responsibility coming as the first senior American officer."

Deputy Foreign Minister Le Mai told Adm. Larson the Vietnamese had seen a number of American delegations recently. "but I think your visit is of particular significance."

The U.S. group responsible for accounting for the missing falls under Adm. Larson's command in Hawaii.

Sen. J. Bennett Johnston, Democrat of Louisiana, chairman of the Senate Energy and Natural Resources Committee, and four members of the committee who wound up a three-day visit to Vietnam earlier this month urged Mr. Clinton to quickly lift the embargo and restore diplomatic relations.

After Adm. Larson and Mr. Kerry departed, there was speculation in Hanoi that decisions on Vietnam may be delayed by Mr. Clinton's problems in naming a defense secretary to succeed Lee Aspin, after retired Adm. Bobby Ray Inman backed out on Tuesday.

Mr. McCAIN. Madam President, I quote from it, Madam President. It states:

The highest-ranking U.S. officer to visit Hanoi since the Vietnam War said this week he will report that its "cooperation across all fronts has been excellent" in the effort to account for missing Americans.

I don't think they're holding anything back," Adm. Larson, commander of U.S. military forces in the Pacific, said in Pleiku Tuesday.

Joint Task Force personnel have, often at great risk to their own welfare, crawled through some of the worst and most remote terrain in Vietnam, Cambodia, and Laos, searching for any clue as to the fate of our missing. Their efforts have been dismissed as a charade by many POW/MIA activists who—unlike my friend, Senator SMITH, whose opposition is honorable—cloak their opposition in character assassination. In truth, JTF personnel are responsible for locating more information, for resolving more of the mystery surrounding this question than all the professional malcontents, conspiracy mongers, con artists, and dime store rambos who attend this issue have ever or will ever contribute collectively. They are truly unsung heroes.

Everyone involved in our efforts in Vietnam will testify to the greatly increased cooperation from Vietnam. It is their word, not mine, nor Senator KERRY's that Senators should listen to as they consider our amendment. Everyone of these fine individuals believes that the time has come to lift the trade embargo against Vietnam. They recognize that the accounting process has not and should not end, and that there is more cooperation we will require from Vietnam before our efforts can conclude. But they feel, as do I, that lifting the embargo will facilitate and accelerate that cooperation.

There are other valid reasons to lift the embargo which I will briefly enumerate.

First, I have always felt that America's word ought to stand for something. The roadmap policy for normalization

established by the Bush administration was intended to answer the charge that the United States was always moving the goalposts for normalization. It would be unfair, and beneath the dignity of the United States to do so again. Under the provisions of the roadmap, Vietnam has complied to the point where further actions on our part are warranted.

Second, there are, of course, business advantages which we ought to be in a position to compete for. It won't dwell on these because American businesses interested in Vietnam are quite able to make their own case for going forward.

Third, the balance of power in Vietnam. The longer the United States refrains from further progress toward normalization the stronger becomes the influence of anti-Western Vietnamese hardliners in the Defense and Interior Ministry over Western-oriented reformers in the Foreign Ministry and elsewhere.

Fourth, the balance of power in the region. It is not in our security interests to have China achieve economic and military dominance in the region. It is in our interest to have an economically viable Vietnam able to resist the heavy handed tactics of their colossus to the north.

In a conversation I had with him 2 years ago, Nguyen Co Thach, the former Foreign Minister of Vietnam, grasped a truth that eluded his politburo comrades when they fired him 3 months later. "Vietnam," he told me, "must accept the destiny of a small country."

I sincerely believe that Vietnam has come a long way toward accepting that destiny. They are seeking to live within the margins of balanced relations with the superpowers while simultaneously pursuing close and compatible relations with ASEAN nations. We should do whatever necessary to encourage them on this sensible course.

There is another issue that separates us that was not really addressed in the roadmap beyond its references to re-education camps—human rights. Vietnam's record on human rights is not the worst in the world. But its in great need of improvement. Even in this era of reform, their preferred course would be to follow either a China or Singapore model—a vibrant, decentralized economy in a one party state. The United States has an obligation to help Vietnam reach for something greater than this.

Good people disagree honestly and honorably over whether we are better able to promote civic freedoms in Vietnam from within or from without. In all candor, I have had a hard time deciding which course is preferable. But I know that the United States doesn't have the power to keep Vietnam isolated. They are already developing complex relations with much of the world. So, perhaps our prospects for moving Vietnam toward political as well as economic liberalization are bet-

ter. If we have a relationship with that country that exposes it to our values.

We should, however, do a much better job in highlighting the importance of human rights to our relationship than we have done heretofore. And I note with approval the recent United States-Vietnam agreement to begin a dialogue on human rights questions. Those of us who believe that there is room in that corner of the world for democracy should soon have an opportunity to test the proposition that greater exposure to Americans will render Vietnam more susceptible to the influence of our values.

In closing, I urge my colleagues to support this amendment, to not be intimidated by political pressure from quarters that may never support better relations with our former adversary. I can speak with some authority to that question since I have suffered the full brunt of their opposition and survived. On this question, that has so long divided our country, the right course may not be the most politically expedient, but it is the right course nonetheless. Let us do the right thing. Let us take such steps that will best honor our commitments, protect our interests and advance our values. There is no dishonor in that.

Madam President, I yield the floor.

I ask unanimous consent that Senator McCONNELL be added as an original cosponsor.

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

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, I thank you very much for recognizing me.

I am going to summarize my statement because many people want to speak. I am going to speak about 3 minutes and let others take the floor, because I think JOHN MCCAIN and JOHN KERRY have said it all.

I also am a Vietnam veteran, having served two tours of duty in Vietnam. I have been back to Vietnam since then—in 1988. I visited both as a soldier and a Senator. Indeed, I was present when 27 sets of possible American remains were received by U.S. military authorities in Hanoi.

I have attended an Aspen Institute seminar on Vietnam and met with Vietnamese officials in Hawaii over the years. So I have been involved in the Vietnam question for a long time.

I think it is time to get Americans into Vietnam. If there are any prisoners, our people will be able to find them. There is nothing like an American businessman with a U.S. flag hanging outside as a place to bring information. If we have American tourists over there, they will be able to find any prisoners who may remain.

I listened with some degree of interest to my colleague, Senator McCADN, who is a true hero. He mentioned the term "dime store Rambos." I remember during one of my past campaigns, I

was criticized for my position on Vietnam. There were some people from another State there criticizing me. I entered into a dialog with them. I discovered they were not really Vietnam veterans as they had claimed. Well, I think we have a lot of that. I think we find a lot of the real Vietnam veterans, the people who really served there, are for normal relations, are for lifting the embargo.

In fact, I am an advocate of sending an ambassador there. I am just worn out by these people, many of whom have a financial interest, carrying this subject on and on and on. I have been very concerned about POW's and MIA's. I was present when 27 caskets were loaded up in Hanoi.

It is time for those of us who are Vietnam veterans to stand up and say that enough is enough from this very small group. Those of us who have served in Vietnam find our patriotism questioned sometimes when we say we should recognize Vietnam; we should enter into relations; we should lift the trade embargo.

We should not stand for that. Different people can have different points of view. I respect very much other people who reach a different conclusion on this subject. But it is time for us to get Americans into Vietnam, get our business people over there.

I have frequently said that one businessman does as much as many visiting Senators or many visiting diplomats, one businessman who creates jobs and sells American products. What is happening now in Vietnam, the times I have been there, is the French and Japanese are getting business. Their standards, their machine tool standards, are being established, and we are losing out.

But, more importantly, I think this country will always have a special relationship with Vietnam, or at least will in the near future. I have talked to many Vietnam veterans who would love to go back to Vietnam as tourists and take their families. I have talked to many American small businessmen. In fact, I just had a meeting in Rapid City the other day and it was brought up to me that they would like to export some products to Vietnam.

This is not just a commercial thing. We also want to find the prisoners, if there are any. I doubt there are any prisoners.

But the argument that we must go on and on and on under current policy to prove all these things that cannot be proved before we recognize Vietnam has just exhausted me. I have gone along with this approach for years. It is time just to get this behind us. It is time for us to lift the trade embargo. It is time for us to send an ambassador to Vietnam. I know the latter is not what this resolution says.

We should lift the economic embargo, and we should have an ambassador in Vietnam.

I applaud Secretary Bentsen for his recent Asian trip and ask unanimous

consent that a January 19, 1994, Washington Post article regarding his position on this matter be printed in the RECORD.

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

END HINTED TO VIETNAM EMBARGO

(By Clay Chandler)

BANGKOK, Jan. 18—Treasury Secretary Lloyd Bentsen said today that the U.S. government has moved nearer a decision to lift the trade and investment embargo on Vietnam.

Bentsen, speaking at a meeting of Thai business leaders here, praised the Vietnamese government for assisting in the effort to determine the fate of more than 2,200 American servicemen still unaccounted for after the Vietnam War.

"The progress is there, and I'm optimistic we'll get that finally behind us," he said at a news conference later in the day. "Some of us older fellows think you ought to move these things and get it done. We've seen a lot of cooperation coming out of Vietnam."

Bentsen declined to speculate on a timetable for lifting the ban, but in Jakarta on Monday he suggested this might be imminent. "That decision has not been made," he said, "but I think you'll see something forthcoming quite soon."

Bentsen, who is on a three-nation Asian tour to demonstrate the Clinton administration's commitment to building stronger relations in the region, is the latest of several U.S. officials and members of Congress to urge lifting trade restrictions on Vietnam. Clinton's chief foreign policy advisers have agreed to recommend that he do so, according to senior officials.

Sen. John F. Kerry (D-Mass.), chairman of the Senate Foreign Relations subcommittee on Asian affairs, declared at the close of a visit to Vietnam last week that the embargo no longer serves a meaningful purpose and is only hurting American firms denied business opportunities in the region.

Firms in many nations—including Taiwan, Hong Kong, Japan, Singapore and France—already are investing heavily in Vietnam, and some governments are extending financial aid as well. Last November, for example, Japan resumed providing official development assistance to Vietnam with a \$370 million loan.

In his speech today, Bentsen argued that the United States could do more to promote the search for information about missing Americans by lifting the embargo than by continuing to insist on greater Vietnamese cooperation as a prerequisite to normal commerce. "As with other countries on other issues," he said, "a strategy of engagement with Vietnam may be the most effective way to promote our goal of accounting for our POWs and MIAs."

In September, President Clinton gave a big boost to economic development in Vietnam by restoring its eligibility for loans from such international institutions as the World Bank and the International Monetary Fund. Clinton also permitted U.S. firms to bid on projects funded by such institutions.

The move to liberalize trade relations with Vietnam has drawn stiff opposition from U.S. veterans' groups and is a politically sensitive issue for Clinton, whose Vietnam War-era draft record was criticized during the 1992 political campaign.

Vietnam, where average annual income is about \$200, remains one of Asia's poorest nations, even though its prospects have improved dramatically since its Communist leaders set the nation on a path toward free-market economic policies in 1990.

Vietnam's economy grew at a rate of about 7 percent last year. Still, without greater help from the United States and other nations, economists say it could take two decades for Vietnamese living standards to approach those of Thailand.

Mr. PRESSLER. I was asked to yield 1 minute to Senator HELMS for a special request.

Does the Senator want to get the floor in his own right?

The PRESIDING OFFICER. Are you yielding to the Senator?

Mr. PRESSLER. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I am just going to take one moment. I know we wanted to allow the Senator from New Hampshire an opportunity to speak. I just wanted to make a couple of quick comments.

No. 1, probably it does not need to be said, but I will say it anyway, Senator JOHN MCCAIN, who was a naval aviator, combat veteran who spent more than 6 years of his life in Hanoi in the Hilton and in other prisons, really knows what is at stake in this issue, and I think understands better than anybody how difficult it is to come to this understanding.

I might also point out that the Senator from South Dakota is a combat veteran himself. He "humped the boonsies," as the expression goes.

Mr. PRESSLER. I should correct that. I carried two weapons, but I never claimed to be in combat. In fact, I had a Jeep. As a matter of fact, they said the most dangerous thing was a second lieutenant in a Jeep. I have three medals, but I am not a hero.

Mr. KERRY. The final comment I wanted to make was a tribute to my colleague, Senator SMITH. At least from my point of view, and I believe truly from his, we have worked at this together and sometimes separately over the course of the last years. We have disagreed on some aspects of it.

But I want to pay tribute to his personal involvement and commitment to this. I never doubted how much he personally cares about it. We may have a difference in approach on strategy, but I do not believe that either of us disagree about the goal or what we are trying to achieve. I pay tribute to the depth of his commitment, the number of trips he has taken, the risks he has taken, and the extent of time he has put into it. I think it has helped enormously to serve this country to understand the dynamics. I do not agree with all of his judgments, as we shall see and understand but, nevertheless, he deserves that credit and that respect.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Madam President, as a manager of the bill, I find it necessary to leave the

floor temporarily to attend a meeting. But before I go, I desire to ask for the yeas and nays on this amendment. I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair and I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I also appreciate the courtesies of the Senator from North Carolina. I know that he wishes to see a good, full debate on this issue and there surely will be.

I want to say a word about Senator SMITH. I have come to know this man very well. He is one fine Senator, one fine friend. I was with him in his State in December and enjoyed it so very much. The remarkable admiration and respect they have for him in New Hampshire is evident. They know that he is fully in this tough issue. And this is a tough, tough issue. This is one of the most sensitive issues of our times, and now it is here before us today.

I have heard the remarks of Senator MCCAIN from Arizona. They were measured and powerful. I have heard the remarks of Senator KERRY from Massachusetts. They were extraordinarily sincere and genuine. My friend Senator PRESSLER from South Dakota spoke with great clarity and earnestness about the frustration of this terrible situation which has captured our national interest. We did not know when it would be addressed by the Senate, and today it is here before us.

I commend those Senators, all of them—Senator SMITH, Senator MCCAIN, Senator HELMS who will be on the other side of the issue from me, Senator KERRY, and Senator PRESSLER.

My remarks will not be long and then I will yield to Senator SMITH who will indeed present what I know will be a powerful statement and one that should be heard by all.

But I think we should carefully listen to the veterans of Vietnam. I think we should pay close attention to Senator KERRY, Senator MCCAIN, and Senator PRESSLER. I think it is very important to do that.

I have just returned from Vietnam. I went there with Senator HATFIELD, Senator JOHNSTON, Senator SPECTER, Senator NICKLES, Senator MATHEWS, and Senator BENNETT. It was an extraordinary experience for me to be in Hanoi for 2 days, and Ho Chi Minh City, formerly Saigon—and for me, I think it will always be "Saigon." I was there to learn, to pay attention, and try to grapple with the POW issue, the MIA issue, the trade issue—all of them.

I was taken by several things. We investigated these issues in much depth; and one of the most memorable aspects of our trip was General Tom Needham, of Massachusetts. He is an extraordinary man. He served in Vietnam

twice—two tours of duty, both voluntarily. He has surrounded himself with an extraordinary cadre of people from all branches of our military who are there on the ground and are allowed to do just about anything they want to do. They can go anywhere they want to go. I will not be repetitive, but suffice it to say that I was surprised at that.

I was more surprised at the Vietnamese general, who was on the other side of that joint task force. He lost a brother in the war and does not know his whereabouts or what became of him. He claimed that 300,000 Vietnamese are missing or prisoners of war. I do not know how they could be prisoners of war—but at least 300,000 of their people are missing from this war. To me it had a special poignancy because, as we traveled back to the United States, we passed the area where my first cousin went down. Somewhere in the North Marianas is "Billy" SMYSON Brady, my first cousin. He is missing in action or a prisoner of war from the Second World War.

There are 78,760 people who have never been found from the Second World War; 78,760 people of that war are unaccounted for. They are either prisoners of war or missing in action from the Second World War. I hear nothing about them.

There are 7,800 people who are missing in action or prisoners of war from Korea. I hear nothing about them.

There are 2,300—I do not recall the specific figure, but it is very close to that—who are missing in action or prisoners of war from Vietnam. The pain and the anguish of that, to the survivors, must be total. I have a constituent who lost a brother, a man in Laramie, who is very, very passionate about this. I believe he thinks that I am some lesser form of human being because I have said that we must "move on."

I am a veteran. I was not in Vietnam. I have not been at war. I was in at the end of the army of occupation in Germany in 1955 and 1956. I saw the leftovers of war at the end of that army of occupation, even in those years. And I must say that I think it is time to move on.

I must say that I am puzzled. Why we do not spend this same interest or time thinking about those many thousands of people from our country, missing in action and simply gone from our lives, that we did not pay too much attention to before? Because the war ended and here we are, 21 years after the Treaty of Paris accord.

Tomorrow, I would like to remind this Chamber, marks the 21st anniversary of the signing of the Paris accord that arranged the end of the Vietnam conflict. That was signed on January 27, 1973; 21 years have now passed since we entered into a peace agreement with Vietnam.

Do you know what we were doing 21 years after the last day of World War II, September 2, 1945? That was 1966. We were in a full range of normalized ac-

tivity with Germany and Japan. That is what we were doing. It is, I think, important to remember where we were 21 years after the Second World War. Had we fully normalized relations with Germany and Japan? We certainly had. And that was not the half of it. Not only had we restored friendly relations with those two countries but the American taxpayer was asked to provide a great deal of the resources to do it. That is how we dealt with our adversaries after the conclusion of the Second World War. That is what we did. Now we have come 21 years since the end of this war, and what is the difference between this war and World War II? I am puzzled at it.

Maybe I was tainted in this matter when Senator Alan Cranston, my friend from California—and we worked closely together—had a hearing years ago on this issue. We were trying to find the answers because he was chairman and I was chairman, at different times, of the Veterans' Affairs Committee. We held a hearing and we said, "Bring in the information. Show us the material. We are ready to listen."

I shall never forget the total sense of offense that I experienced when I listened to a group of people telling us about "live sightings." And they said they had a film. They said, "We have a film, it is 287 minutes long and it is the most devastating thing. It shows just exactly where these people are, even today." And then they brought in other photos.

We did not have a resource staff, but we had enough resources to find that the photos of the persons standing in uniform were taken in Hawaii, and that there never was a film. But this man had a reel with him and said, "Here it is and I will give it to you for 2 million bucks."

I said, "You testified under oath that you were an American. I don't believe that. You are nothing. To say that you would provide a film and then not have it, and further that you would give it up to help your country for \$2 million."

Well, if I had been 20 years old—and when I was 20, I weighed 260 pounds, had hair, and thought beer was food—I would love to have pitched this guy through the window like a javelin. However, being rather frail, but not quite as frail as my colleague from California, the two of us just sat there in mutual disgust. Finally this fellow said, "I'll meet you two guys in the parking lot." Senator Cranston and I felt that neither one of us could probably cut the mustard anymore, because he looked like he had taken training from Charles Atlas. But I was offended by that exchange, and I remain offended by it, and I will leave it to those who have been doing all this work to review it.

But the Paris accord was signed and now 21 years have passed. The world is not at war. We took "the long view" after the Second World War. The Japanese attacked us in the Second World War to start it. Ho Chi Minh, at the

time of leading his country to independence, was trying to get America to congratulate him for his revolution. And he wrote Harry Truman eight times, saying: We are starting a new and independent country. And he quoted Lincoln and he quoted Jefferson.

There was no response to that communique, or those several communiques. Senator HATFIELD will perhaps involve himself in this debate because he was there the day of independence in Vietnam, as our history was being recited to their people by their leader.

Well, the war came. We were involved. And I admire so much those who served there with such honor. And I think the wounds are healing.

But I think if we can all put to rest the idea that those of us who favor normalization, and I certainly do, are somehow less committed, less passionate, or maybe less patriotic. No one here in this Chamber is making that distinction, or even postulating that, but there are groups in America that are thriving on this chaos. They bear our close attention and they bear our criticism.

I think we must listen to these decorated veterans, these prisoners, these men among us who suffered the most at the hands of the Vietnamese. They are the ones calling for us to move forward sensibly, to begin to establish a relationship with Vietnam. What do you get when you establish a relationship or a diplomatic or trade presence? You get an embassy, as Senator PRESSLER so aptly says. I would vote for that right now.

It would make a large difference when we have a physical presence in that country, a focal point for all our inquiries on the ground with respect to these leads. We would get American private interests there on the ground throughout the country making it ever more difficult to hide the truth from the outside world. Just as importantly, we would get leverage. We could establish financial and trade ties with Vietnam, which would be the beginnings of an interdependency that gives the Vietnamese far more incentive to cooperate with us.

People say, "Don't do it. Keep the leverage of the embargo on now." What have we gotten for the embargo? We got stiffed—stiffed—for 19 years, 18 years, nothing more. What did it prove? Nothing. When we opened the door a crack, we began to get action, action like now, today. If some of the groups that came to me 4 years ago came back, I would say, "Why don't you go to Vietnam, point out a coordinate on the map and say, 'I want to go there and find out who is there,'" and you could do that today. Now, what remarkable progress. I do think the clock is running. I think the bargain was made, as Senator MCCAIN has said. There is no question about it.

And then, finally, people in my town meetings have said, "What are you going to do about the North Koreans,

SIMPSON? We have a country there that does not understand anything. They are Neanderthal, they are backward, they are frightening. What are you going to do about North Korea?" I say, "I have an idea for you." Now do not throw anything. I will get mail from home on this one. I say, "The best thing you can do for North Korea, or to handle North Korea, is to give MFN status to China and give it permanently. We give MFN to Syria, Libya, and Iran, who are not exactly some of the finest of our compatriots in world government; and we do that with them. Then you can also normalize relationships with Vietnam. The North Koreans will say, "Wait a minute, what happened here?" They would see the United States relationship with China, and the United States with a relationship with Vietnam, and the North Koreans will see they will be isolated from the world unless they begin to listen to what the world is telling them. The backwater channels are already working from Vietnam and China to North Korea; right now, right today as we speak.

So we could remove a potential ally for North Korea in the current climate of tension between ourselves and that country. Ask anyone who has dealt with the North Koreans—they will tell you how indispensable it is that we have the cooperation of the Chinese, Japanese, and Russians in bringing North Korea to the bargaining table. If Vietnam, too, has an economic and diplomatic relationship with the West, North Korea's diplomatic isolation would be virtually complete. This should remind us that it is true with Vietnam as with every other country, enemies are more expensive than friends.

I see my fine friend, Senator JOHNSTON, is here, and he was the splendid leader of our delegation. I shall yield to him.

But in the end, it is going to come down to whether it serves the interests of America to keep Vietnam closed off. I think it is so important to open these relations, to listen to those who were there, which will bring the North Koreans to the table with the Japanese, the Chinese, the Russians, the Vietnamese who were all involved in that war are engaged with us in trade and economic activity.

Sure, there is the economic relationship and Americans are waiting to get involved. But there is another aspect no one has thought of. We have resettled over 800,000 Vietnamese in this country as refugees, and I would venture to say that maybe half of them might be ready to go back. Many of them are residing in the State of the occupant of the chair. They are waiting for this act—to be able to say, "I have some capital. I'm ready to go. I'm headed back to Vietnam. That's my homeland. I came out as a refugee. The government has changed. We have positive relations. I am taking the capital and I'm headed back, headed home."

That is one I have not heard talked about. That is very real. That would relieve some of the pressures on us with regard to a lot of things that are issues today in America about asylum and immigration refugees.

So I have yet to be convinced that any of the efforts that we are trying to do are aided in any way by isolating Vietnam. Now we are seeing the beginnings of greater cooperation. I know it is tough for all Senators, a tough emotional issue for all of us, but I think we need to take a sober and comprehensive view that guided our policies after the Second World War.

We did not undertake those policies out of a spirit of giddy self-sacrifice. We did not undertake those policies out of any lack of horror at the excesses of Japan and Nazi Germany. And we certainly did not undertake them out of a lack of interest in the 78,750 soldiers who remained missing at the end of that war. We did it because we retained fresh memories of the follies of a punitive peace—which was how we ended the First World War. After World War I, we did nothing to integrate and unify the aims of the warring parties, with the result that the world was again plunged into war just one generation later. But after World War II, we learned our lesson, and so we took the long view. One result is that Germany and Japan are peaceful members of the international community today.

Not only will our foreign policy and trade status be better for it, but our POW/MIA efforts will benefit from it as well.

I thank my colleagues and thank Senator KERRY. I look forward to the remarks of Senator JOHNSTON and Senator SMITH. I shall be listening intently. I thank the Chair.

Mr. JOHNSTON addressed the Chair. The PRESIDING OFFICER: The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I want to congratulate the distinguished Senator from Wyoming for a very thoughtful statement. I agree with every word he said. I might say, it was a delight and a very constructive thing to be on the trip with him—which we just got back from—including Hanoi and Ho Chi Minh City.

Like most Americans, I have read and been concerned about Vietnam and about our relationship with Vietnam. I have been principally concerned about MIA's and POW's. All Americans have tremendous sympathy and compassion for the families who have lost loved ones in Vietnam. I go to the Vietnam Memorial fairly regularly because, frankly, I bicycle on The Mall. Every time I see those 50,000 odd names there, I am reminded of the tremendous tragedy that Vietnam represented for this country. It brings to mind the continued suffering of the families of our MIA's and POW's.

Madam President, I stand here today because for dropping of the embargo, not because I care less about the MIA's or the POW's or their families, but be-

cause the best way to get further information for MIA's and POW's is to drop the embargo. We have all kinds of controversial decisions which come to the floor of this Senate, but few of those controversial decisions are, in my judgment, as clear as this question. There is no doubt in my mind that we ought to drop that embargo. Let me tell you why.

The question is not whether we have gotten 100 percent cooperation or whether it is 90 percent or whether there remain some few additional documents that they are withholding that we can get, but this much is absolutely clear: We have gotten what Gen. Tom Needham, our man in charge—a tough major general in the United States Army, who has been in charge for 2 years—says we have gotten complete cooperation from the Vietnamese Government in not only giving documents but in allowing access to sites and also with respect to Cambodia.

If we reward that kind of cooperation with a continuation of the embargo, then I think that is one way to really risk the cutting off of further information. The way to encourage the continued flow of information is to reward that with a dropping of the embargo.

A couple of years ago, the Bush administration undertook an initiative with the Vietnamese on what they called the pathway to normalization. They told the Do Muoi government that they had to do three things in order to qualify for normalization of relationships and dropping the embargoes. Two of those things had to do with POW's and MIA's. One was to allow access to sites, and the other was to allow access to the documents. General Needham and all of his staff—he has archeologists, he has linguists, he has different specialists in a whole complex there which they call the Ranch. We visited the ranch and had briefings in depth. To a man and to a woman in that group, they said the cooperation is complete. We have 12 teams around Vietnam in all parts from the north to the south to the highlands to the lowlands that are in there digging in crash sites now, full access to those crash sites.

So on the two scores of allowing access to the sites and allowing access to the documents, the cooperation has been complete.

The third element on the pathway to normalization had to do with Cambodia. We wanted them out of Cambodia and to secure their cooperation with respect to access to Cambodia. We have gotten that cooperation. General Needham says so.

Where should we get the evidence and who should be the primary judges of cooperation? I submit it ought to be our men who have been there for 2 years, our men and our group who are directly charged by this country, not some bleeding heart liberals who are always wanting to make friends with former enemies but a tough-minded general who in turn followed up on the

former Chief of Staff of the U.S. Army, General Vessey, who also thinks we ought to normalize relations. That is where our information ought to come from, from the people in charge.

If, having gotten that kind of cooperation, we now continue the embargo, then what is the Do Muoi government to say but—I do not know what they would say, but I can tell you we risk the cutoff of the flow of information.

General Needham told us there were about 2,000 cases that they thought were solvable, where they could determine one way or the other what had happened. There are a lot more cases than that that are still open, but many of those cases would never be solved because they involve a crash at sea, or whatever, and there is no way to get that information. But of the 2,000 solvable cases, General Needham tells us, they think they have solved 70 percent of them. There are still some 30 percent, something over 700, as I recall, that are still solvable. The progress is going very well.

The cooperation is complete. Senator KERRY, to whom I think this Senate and this country owes a great debt of gratitude, has been to Vietnam. I do not know how many times, been out on the crash sites, seen the actual cooperation, and fully endorses what General Needham told us.

Senator McCAIN, we saw the lake where he crashed outside of Hanoi and where his parachute came down and where, by the way, they have a monument depicting the fact that Air Force Major "McCann" was shot down and captured. We had our pictures taken—I do not see Senator McCAIN in the Chamber. We had our pictures taken in front of his monument. He has been over there. He feels the same way.

Now, where is the evidence to the contrary? There are just little bits and pieces and snippets of evidence, suspicions. But, Madam President, whether there is evidence that can be delivered or not, if we reward cooperation with further intransigence on our part, that is really the way to shut off the information.

What I am saying, Madam President, is we should drop the embargo not based on trust in the Vietnamese, not based on their rhetoric, not based on trade. And indeed there are great opportunities for trade, but that should not figure in the formula here. It ought to be based on MIA's and POW's and the continued flow of information. In that respect, Madam President, it is a very clear question.

(Mr. WOFFORD assumed the chair.)

Mr. JOHNSTON. A final point. Is this the last bit of "leverage" we have? In the first place, I think a continuation of the embargo is reverse leverage. It is not actual leverage because it would operate in reverse against us. But beyond that, Mr. President, we have plenty of continued leverage against the Vietnamese.

We participate in the international banks from whom Vietnam wants and needs credits to rebuild their country. They need American companies. They need a lot from us and, if we drop that embargo, we will still have that leverage.

Mr. President, it is absolutely clear the time to drop the embargo against Vietnam is now; reward their cooperation and thereby secure continued cooperation.

I congratulate the Senator from Massachusetts, Mr. KERRY, for his leadership, and the other coauthors, mostly Vietnam veterans, who have been so strong in their leadership in this regard.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. I thank the Chair.

Mr. President, the amendment that is being offered by my colleagues from Massachusetts and Arizona is really the defining moment on the issue of the trade embargo with Vietnam. I wish to say at the outset that the kind remarks made by Senator McCAIN and Senator KERRY and Senator SIMPSON about me are very much appreciated. This is not a personal argument. I have no personal vendettas against any Members of the Senate on this issue. Many of them served in Vietnam, as I have done, and many had more things happen to them than I did: Senator KERREY wounded; Senator McCAIN, who is a POW.

I rise in opposition to this amendment on the basis of principle after 10 years, 10 long years in the Congress working on this issue. I have been to Vietnam five times myself, in addition to the time I spent there in the war. It is something that is controversial, and I hope those of my colleagues who are truly undecided—sometimes I wonder how many there are of us in that position—would focus on this debate and some of the things I have to say.

Just so my colleagues will know, at some point after the vote is taken on the Kerry-McCain amendment, I will offer another amendment—whether it would be in the form of a substitute or freestanding amendment remains to be seen at this point, but it will be an amendment that I think is much more realistic. In general, it will say that the amendment, my own amendment, which I will talk about in a few minutes, makes lifting of the trade embargo against Vietnam contingent upon POW/MIA progress as determined by the President of the United States, whoever that President may be.

That is a reasonable solution. Specifically, my amendment will say to lift the embargo the President must make a determination to Congress that Vietnam has resolved as fully as possible—not fully, as fully as possible—POW/MIA cases in reports where Vietnam can be reasonably expected to have additional information or remains based on U.S. investigations to date. And thirdly, by sense of the Senate,

that the President is urged to consult with Congress, the national veterans organizations, and the POW/MIA families before making the determination on lifting the embargo.

That amendment I will offer possibly this evening if we go on into the evening, so I would just alert my colleagues to that.

So those of you who feel you want to be recorded in some reasonable way on this issue, if you feel strongly that the embargo should be lifted, then the Kerry-McCain amendment is the amendment for which you should vote. However, I have this alternative which I will discuss in full detail very shortly which will give I think valid reasons, many reasons—the Senator from Louisiana just said he would like to hear some evidence. I have plenty of evidence that I will offer in the form of why we should not believe that the Vietnamese have totally provided all information they unilaterally can provide.

I might also say, Mr. President, because how you frame these debates sometimes influences votes, this is not a debate; no matter how many of us may feel about it, it is not a debate about live POW's. It is about whether Vietnam has been fully forthcoming on the POW issue.

Some of us have feelings one way or the other on the issue of live POW's, whether it is compelling evidence or weak evidence or strong evidence. We all agree there is evidence. It is how compelling it is. So it is not about that. It is about whether or not the Vietnamese have been forthcoming in providing unilaterally all information they can provide.

Now, having worked with Senator KERRY for over a year on the POW committee—we had a good working relationship. We disagreed from time to time. We agreed many times—I wish to say with respect to assessing this amendment that I believe to pull the embargo now, given the information we still have outstanding, is an insult to the families of those who have served, and I think it is an insult to the men themselves who are missing.

If you do not believe what I say, then ask. Ask the American Legion. I am sure you are hearing from them. My colleagues, read your mail, answer your telephones from the veterans organizations: The American Legion, the VFW, VVA, DAV, League of Families. All oppose this amendment. Whether every member does remains to be seen, but the organizations have formally expressed opposition to this amendment.

They are opposed to what the Senator from Massachusetts claims he is doing on behalf of resolving the issue. Why? I am not sure. But I suspect that there is some knowledge that before we even had increased access to Vietnam—and we have had increased access to Vietnam, a lot of it, and I have seen that myself firsthand. But before we even had any increased access really in the last 2 to 3 years, before we had a

joint task force in Vietnam, before we had a select committee on the POW issue, the Senator from Massachusetts, with respect, was advocating lifting the trade embargo against Vietnam.

I think that is his foremost objective. He believes that we should lift the embargo, and he has a right to believe that. He said so on occasions long before this debate.

I have here a New York Times story on October 29, 1990. This is a letter that the Senator from Massachusetts and some of his colleagues here today who are supporting his amendment sent to then President Bush. I would like to read briefly a quote from that letter. This is a letter to President Bush. It was signed by Alan Cranston, JOSEPH BIDEN, JOHN KERRY, CHRISTOPHER DODD, FRANK MURKOWSKI, MARK HATFIELD, among others.

An excerpt from that letter very simply says this: "The time has come for putting the Vietnam war behind us and opening a new chapter in U.S.-Vietnam relations," said the letter of October 29. "We urge you to act promptly to lift the U.S. trade embargo on Vietnam, and we pledge our full support."

There is not any wiggle room in that statement, my colleagues. This was October 29, 1990. That was the view of the Senator, many of the Senators, Senator KERRY and others, in 1990. If we are talking about using the last 2 1/2 years or 3 years or 4 years of cooperation as a reason, then I have some trouble understanding what the point of the Senator from Massachusetts is.

The point is, if you are for lifting the embargo, then you are for lifting the embargo. But to say that there has been this magnanimous progress over the past 3 years, that we did not have prior to that, and that is the reason, is simply incorrect.

Since May 1991 the Senator from Massachusetts, as I, has made numerous trips to Hanoi. He has made eight. I think I have made five. Each time there are claims where he is quoted as saying the Vietnamese are giving us great cooperation, and each time he is recommending further relaxing or doing something with the embargo. I have statements. I do not want to go into them all. I could but I will not. He has made those recommendations. He made them when he was chairman of the select committee, sometimes in consultation with colleagues, sometimes not.

But I just want to make the point that it is not something that suddenly we have come to that it is time now to lift the embargo because of what has happened in the past few years.

We ought to lift the embargo when the President has determined that Hanoi has been fully forthcoming with us on the issue. That is when we should lift it—President Clinton, some President in the future, whoever.

Mr. SPECTER: Will the Senator be willing to yield for a question, Mr. President?

Mr. SMITH: Yes, I yield to the Senator from Pennsylvania.

Mr. SPECTER: I thank my distinguished colleague from New Hampshire. I have discussed this matter before my colleague started to speak, and it relates to the evidence which my colleague from New Hampshire feels that he has that there has not been a full accounting as to the MIA's. He relates to questions which my colleague has as to the thoroughness of the investigation which has been conducted by United States military personnel in Vietnam.

I think it would be useful to have on the record the evidence indicators which the Senator from New Hampshire has.

My question relates to why the Senator is willing on his alternative amendment which I have reviewed to have the President have the authority to lift the embargo if in fact he is not satisfied on the basis of the evidence indicators which the Senator from New Hampshire has that the Vietnamese government has been entirely forthcoming.

As I read the amendment submitted by the distinguished Senator from Arizona, Senator MCCAIN, and the amendment in the second degree offered by the distinguished Senator from Massachusetts, Senator KERRY, they are identical except for the seventh paragraph in Senator KERRY's amendment. The first five paragraphs are recitations which I think no one will disagree with. Paragraph 7 of Senator KERRY's amendment is one which I think no one would have a disagreement. But the critical paragraph is paragraph 8 which reads as follows:

Therefore, in order to maintain and expand further United States and Vietnamese efforts to obtain the fullest possible accounting, the President shall lift the United States trade embargo against Vietnam immediately.

I was a part of the delegation with Senator BENNETT on the Energy Committee, and was present with Senator SIMPSON and heard what General Needham had to say and the others.

Mr. KERRY: Will the Senator yield for a clarification in point?

Mr. SPECTER: Yes.

Mr. KERRY: I want to make the point that in my amendment, it is not "immediately." It is "expeditiously." So it is really subject to the President's decision. It is "expeditiously," not "immediately."

Mr. SPECTER: I thank the Senator for that clarification. The materials which I saw were not inclusive.

Coincidentally, we have seen the Senator from New Hampshire on television on CNN when our delegation was at an Air Force base in Japan and heard the concerns. And therefore, I have discussed the matter with the Senator from New Hampshire to try to understand the factual questions which he has and in that disagreement that the Vietnamese Government has done everything which is possible.

I have grave reservations about the paragraph 8, which is the operative paragraph in both the McCain and Kerry amendments, which says that we should lift the embargo in order to obtain the fullest possible accounting. I have doubts about that because I have doubts that there will be further disclosure by lifting of the embargo.

The question on my mind—and I have an open mind. I do not know how I am going to vote on this. The question in my mind is whether the Vietnamese Government has made a full accounting. If we are sure that there are no more prisoners of war, and I believe that is accepted on all sides, that there are no more prisoners of war which are being held, then the question is whether there has been a fullest possible disclosure of the facts on the MIA's, and if that is true, I am prepared to vote to lift the embargo.

If it is not true that there has been the fullest disclosure as to the remains of the MIA's, then my instinct is not to vote to lift the embargo. But I am not prepared to vote to lift the embargo to induce them to give us a fuller accounting if in fact they have not given us an honest accounting. And that is the question which I pose to my colleague from New Hampshire. Perhaps also a parliamentary procedure would be accorded to my colleague from Massachusetts, Senator KERRY.

Mr. SMITH: I thank the Senator from Pennsylvania for his question. I would like to respond to it: The answer to your question as to whether or not the Vietnamese are fully cooperating is no.

The thrust of the amendment in question is basically an admission of that fact. And the idea is that if we lift the trade embargo, by doing that, we will encourage further cooperation and get more answers. I respect that as a position and I understand that that very well may be the case, but there is no leverage, once we lift the embargo, to get that information. That information could be destroyed, or whatever, because it could be an embarrassment.

For example—and only for example—if there were some very nasty records that had been kept about what may have happened to POW's during the war or after the war, whatever the case may be, and they are particularly embarrassing to the Vietnamese, there would be no incentive to put that information out.

We have two issues. One, have they been fully forthcoming? By that I mean, have they provided us all information that they could put their hands on now and provide to the U.S. side? The answer to that is no. I will document that in my later remarks, but that is the first point.

The other side of it is, should we go ahead and lift the embargo and hope that we get it? That is a fair argument. I do not buy it, because there is no incentive for them to do it once we lift the embargo.

You could use the same argument in North Korea. Maybe we should lift that embargo and they will give us access to their nuclear facilities. I do not buy it.

Have the Vietnamese been cooperative? Yes, their cooperation has increased. I had access to Vietnam that no investigator had ever had the last time I was there in July. They were cooperative. But fully cooperative in terms of what is in the archives and in the records in Hanoi, not what Senator KERRY is referring to here. This photo is a nice crash site excavation.

I support that, even though the Vietnamese are charging us tens of millions of dollars to do this. It is a built-in foreign aid; it is not free. They charge us for helicopters, planes, jeeps, trucks, personnel, manpower, shovels, you name it. They are not cheap; they are Cadillac items that we are paying for. So we are doing that and I support that. That will account for people, but that is only one part of it. What about what is in Hanoi that they unilaterally could provide from the documents and records? The answer to the question you ask is no, they are not and have not fully provided those answers.

The thrust of the Senators' amendment, Senators KERRY and MCCAIN, is if we lift the embargo we will get more cooperation and get more information. They may be correct. I happen to disagree. I think the risk is too great. I am not willing to take that risk. We have no leverage at all if we do it, and that is why I oppose it.

Mr. SPECTER. If I may pursue the question a little more—

Mr. MCCAIN. I would like to try to respond to the question that you already asked.

Mr. SPECTER. All right.

Mr. MCCAIN. Thank you. I will be brief. I think the Senator from Pennsylvania has a very important and crucial question. I think it would be important to recognize that neither Senators SMITH or KERRY, nor Senator MCCAIN have all of the information; nor do we, because of perhaps our long involvement in this issue, have a totally objective view of the issue.

In response to the question of the Senator from Pennsylvania, that is why I think it is important that we look to the views of others who would be respected and in positions of responsibility. The Commander in Chief of the forces in the Pacific is Admiral Larson, under whose direct command they are carrying out these operations over in Vietnam. On January 21, Admiral Larson, the Hawaii-based commander of the U.S. forces in the Pacific, said that ending the 19-year-old embargo would give him "an operational advantage" in searching for Americans listed as missing in action in Vietnam. "If we get more Americans investing, traveling, and participating in Vietnam, that will give me a network of information that will obviously help me to learn about the past, present, and perhaps the future," he said in an interview here after a 3-day

visit to Vietnam this week. His comments rejected the argument by some veterans groups and families of missing servicemen that the United States should maintain its embargo to keep up pressure on Hanoi to resolve the MIA issue.

We get the same opinion from General Needham, who is the general on the ground, who has been conducting our efforts to track down the MIA/POW issue.

These individuals may not be the last word, I say to my friend from Pennsylvania, but I think they should be given serious weight and consideration as career military people, who are every day immersed in this issue, who believe it is to our advantage in resolving the POW/MIA issue to lift the embargo. I recognize fully that the Senator from New Hampshire, in a very articulate fashion, disagrees with that view, and I respect the view of the Senator from Massachusetts, as I always have. But I have a tendency to give great reliance to the people in whose hands we place the responsibility for trying to resolve this very difficult, many-decade-old issue.

I thank my friend from New Hampshire for allowing me to respond to my side of the question. I think it shows great courtesy on his part.

Mr. SPECTER. If I may pursue the question at this point, I ask this of my colleague, because I know the parliamentary line is somewhat complicated. The issue for me turns on the good faith of the Vietnamese in providing all of the information. I have enormous respect for what our colleague from Arizona, Senator MCCAIN said, because of his tremendous sacrifice as a Vietnam veteran. I was there with Senator SIMPSON when we saw the monument in the lake where Senator MCCAIN crashed. I appreciate what Admiral Larson said; I have seen that, and I appreciate what General Needham said, and I heard personally about their view that there would be additional leverage.

I do not know whether there would be greater leverage if we lift the embargo or if we do not lift the embargo. But my inclination—and this is not final—is not based on where we have the greater leverage. My instinct is to base a decision on whether there has been total good faith by the Vietnamese in disclosing the information as to the MIA's and their remains. That is why I come back to the essential question as to whether there is evidence or indicators—maybe not evidence in a technical, legal sense—but indicators, if not evidence, that there has not been a good-faith compliance by the Vietnamese in giving us all of the information about the MIA's.

Mr. SMITH. I respond to the Senator from Pennsylvania by saying this: In the amendment that I intend to offer in one form or another before the debate is concluded, I will go into great detail about evidence that is in our possession and the Intelligence Com-

mittee's possession that the Vietnamese have not been fully cooperative in terms of providing to us what they can provide—not the fact that they may dig up remains in 10 years that they do not know about; I do not hold them to that. That is an unreasonable criteria to apply.

What I am referring to is what they could unilaterally turn over to us today if they wanted to. The answer to the question is that they have not done that. They can do it, and I do not think there are very many people in the U.S. Government who work on this issue in the Intelligence Committee that would deny that. I do not think General Needham and Admiral Larson would deny that.

There has been a great focus, as the Senator from Massachusetts pointed out, on digging up crash sites and going to various locations and getting access to those crash sites, which we have never had access to before, correct.

What I want to get into are some of the other areas we have not even asked to go to yet. For example, there are many prisons in Vietnam that our people have never gone to, where we have had live sighting reports; indeed we have had reports that people died in those prisons, were buried in those prisons as prisoners, and the remains were never recovered. Not only were they not recovered—and I am getting ahead of myself in my prepared remarks—we never asked for them.

I repeat that. We have never asked to go to those prisons to look at those grave sites.

Now, the purpose here is not to come out with some big critique or being very, very critical of the whole operation here. That is not the purpose.

The purpose is to point out to you and to my colleagues that what this amendment is about is a direct departure from policy of Democratic and Republican Presidents, including this President today. It is a dramatic departure from that.

I would like to just continue with my remarks. I can point that out.

I would just hope that the Senator from Pennsylvania could listen to some of the remarks that I have and some of the information that I have and make up his mind.

I respect the fact he is open minded about it. But you know, there are plenty of examples, plenty of them throughout the files where we based on very, very good intelligence from our own prisoners who have returned, including Senator MCCAIN, that would indicate that there was information available.

I will just give you one example of what happened to a pilot who was shot down, captured alive, his capture witnessed and imprisonment witnessed by other prisoners, filmed on Communist propaganda films, sent around the world in Communist propaganda and first, he never came back alive, second, his remains never returned, and third,

no information one way or other what happened to him ever came to our attention.

We agree they kept very meticulous records, and we know they could answer what happened to an individual like that. We know that. And they have not.

There are numerous questions like that, just to give one category of cases, and that is why I cannot support this amendment. It gets down to basic decency and we have always confronted the Vietnamese, the families, the interagency groups under Presidents Ford, Carter, Reagan, and Bush and now President Clinton, and that was no longer in the group, but they always went after Vietnamese on a humanitarian basis, provided it to us on a humanitarian basis what you can provide. But we kept on the road.

Every time we go over there, whether KERRY, me or someone else, they provide some more information. They sent out Senator KERRY. I heard him say on the floor the 1,000 documents and photographs. One percent of those documents and photographs returned pertained to American POW's or MIA's missing. The rest of them pertained to people who returned.

So I think we really need to look through this and make up our own minds in terms of saying what is it, have they really fully cooperated? And if you believe that they have not, then you have to decide on that basis whether or not you think that they will cooperate more if we lift the embargo.

My feeling is that they will not because they have no incentive to do it. It is a risk. If you feel the risk is worth taking, then you would support the Kerry-McCain amendment.

I do not. I believe it is a terrible mistake as it would be in lifting an embargo on Libya or North Korea or some other country where we have differences.

Personally, because of the trips I have taken I like the Vietnamese people. They have been very courteous to me, even though I disagreed with them. Senator KERRY knows that they provided me a great deal of access to their country. They were polite and very kind to me, and I appreciate that. And they know though that I know that they still can provide more information, and I feel they should before we lift the embargo.

Mr. KERRY. Mr. President, I ask my colleague if I could have a chance to answer the two questions he propounded?

Mr. SMITH. I would be happy to yield for the purpose of responding to a question. I have kind of started into some prepared remarks and have been interrupted a number of times. I will yield to the Senator from Massachusetts to respond to the Senator from Pennsylvania.

Mr. KERRY. I think it is an important line of questions.

The PRESIDING OFFICER. Without objection, the Senator from Massachusetts is recognized for that purpose.

Mr. KERRY. I thank the Chair.

Mr. President, I want to address the Senator from Pennsylvania. He asked a good question. I want to answer that.

The Senator from New Hampshire said you take a risk if you lift this. I would answer him by saying it is exactly the opposite. It is no risk to lift it. You take a risk to keep it.

The risk to keep it is that whatever cooperation we can get stops because we made an arrangement with the Vietnamese. The policy of two Presidents has been if you cooperate on this, this is the way you lift the embargo. That is the policy of the United States.

The Vietnamese have done everything. I will say to the Senator that they have done every single thing that I asked or our committee asked the entire time we were there. They did not refuse to go one place. They did not refuse access to one person. Nor has the team—that is there said they refused anything.

The Senator from New Hampshire is correct. Have we been everywhere? No, it will take 10 years or more for us to get everywhere. Have we been in every prison? No. Have we excavated every site? No.

But the Senator from New Hampshire, I know, cannot apply the same standard that he is applying to Vietnam that they be fully forthcoming, to our own DIA, CIA, or Defense Department. He would not say they have been fully forthcoming.

Certainly as the Senator knows as a lawyer and former prosecutor, you cannot put the case together if you are not talking to witnesses and you do not have access to the evidence.

They control the evidence. We will only gather whatever evidence the Vietnamese ultimately either give us or we discover. We will only discover it if we are there.

The Senator keeps saying you lose your leverage. You do not lose your leverage. You gain leverage. You gain leverage because you are not normalizing. You hold out the normalization. You hold out GATT. You hold out loans. You hold out membership in the world community. You hold out MFN you hold out a whole sequence of things.

And you can always put the embargo back in one month or in 3 weeks or 2 days if they stop doing what they say they are going to do.

So what is the risk? The risk is that you take some nebulous standard of fully forthcoming when they have done everything we asked them to do. We do not know. Some will assert our intelligence says they have some document. Well, intelligence is intelligence. Sometimes it is right, sometimes not. We do not know exactly where the document is. We cannot walk into the building and say, "Give us the document; it is here." We just do not know. They will look you in the eye and say

to you, "We do not have the document, Senator."

So how are you going to find the document? You are going to find the document when some Vietnamese sneaks into the American office and says, "I know where the American document is."

That, I might add, is exactly what General Vessey and our Secretary confronted them with on some documents previously.

My colleague says the issue is whether or not they have been fully forthcoming. That is not the issue. There is no way to prove whether they have been fully forthcoming or not.

The issue is, what is the best way to get the evidence out of them?

I do not know if you can find a person with greater credentials on this than Gen. John Vessey. General Vessey, you know, has 46 years of military service, Vietnam service, decorated with the distinguished service cross, the Army, Navy, Air Force, and Defense distinguished service medals, the purple heart, medals from 19 friendly nations, the civilian highest award, the medal of freedom from President Bush for his work on this. Let me read you what General Vessey just said, and he sent this to us today.

This is what General Vessey said today:

In the past 6 years, Vietnam has made huge leaps in the direction we wanted them to go, many of them moves that we in Washington thought would never be made. Among them:

Agreed to Joint Field Investigations of "discrepancy cases." We are in the 6th year of those investigations.

Agreed to joint live sighting investigations.

Returned several hundred sets of remains of missing Americans.

Got out of Cambodia and supported U.N. sponsored elections.

Released all reeducation camp inmates.

Helped reunite about 300,000 separated Vietnamese families.

Let us get Amerasian children out of Vietnam.

Let the United States set up a POW/MIA office in Hanoi.

Agreed to State Department officers in Hanoi with no reciprocal move.

Accommodated a variety of intrusive requests—such as going through prisons—by the USG and members of Congress.

Have allowed U.S. researchers unlimited access to the Defense Ministry Library.

I cite these Vietnam Government steps not to urge rewarding them, but as a reminder that cooperation depends on confidence building steps. Lifting the trade embargo and moving forward in relations is not rewarding a heinous communist regime for past crimes! It is a move that will open Vietnam and move it toward democracy and free enterprise as well as help us reach our goal of fullest possible accounting.

This is the overriding reason for lifting the trade embargo. We now have the best cooperation we've ever had from the Vietnamese Government in searching for evidence about the fates of our people. Maintaining the embargo will not improve that level of cooperation, but rather will probably lessen it. To achieve fullest possible accounting, we will need the help of local authorities, the Vietnamese veterans, and the Vietnamese.

people. Let me point out that lifting the trade embargo is not granting a favor to American business at the expense of the families of the missing and the Veterans. It is, rather, the surest way to further the cooperation we need to get fullest accounting.

My colleague at the beginning of this debate said this issue was not about MIA's, prisoners, sites. The American Legion and others—let me read you from the American Legion to the President of the United States of America saying here to the commander-in-chief that the issue before us is to force Vietnam to return live American POW's.

That is why they are opposed. They believe there are live American POW's.

So I say to you, you want to measure good faith, I will put General Vessey and General Needham and General Christmas and Admiral Larson up against the American Legion or any of these other folks any day of the week.

I thank my colleague.

Mr. SMITH. Mr. President, I would like to reclaim my time. I think I have been very patient. It was supposed to be a question and response.

Mr. SPECTER. I thank my colleague.

Mr. SMITH. I am glad to do that.

I want to point out, there have been a lot of people with a lot of credentials who have worked on this issue over the years, including General Vessey. But I do not know how anyone, any reasonable person, could draw the conclusion that you have received the best cooperation from the Vietnamese people on this type of an example.

Let us say you are a family member, and you have a loved one missing. You see a Vietnamese propaganda film with your loved one in perfectly good health speaking on that film. He has been captured alive. He was uninjured. He is being used for propaganda all over the Chinese world during the war. And you have not heard one single word from the Vietnamese.

Best cooperation? Give me a break. They know what happened to that man. They know what happened to that man. And they ought to tell us before we let somebody go drill for oil in Vietnam.

That is what is driving this issue. And I do not accuse Senator KERRY or Senator McCAIN of that motive. But to some, that is the motive. That is the objective here: To get business in there to drill for oil, because the French are in there and maybe the Canadians are in there, the Japanese are in there. Do you know what? They do not have 2,238 people missing, with all due respect. That is what the issue is here, not best cooperation.

Has there been some improved cooperation? Yes. Why did we get it? Why did we get improved cooperation from the Vietnamese? Because five Presidents from both political parties held firm on a humanitarian basis and said, "You give us the answers you can provide us on our missing and then we will forgive you and the war will be over and it will be behind us." That is why

we are getting cooperation, and we will get more of it if we stand up and be firm.

So the talk about nebulous information, that is not nebulous. If you are the father or the mother or the wife of a person who has been seen on that tape on that film, they knew enough about him to tape him and film him and send him all over the propaganda world, did they not? And they were meticulous record keepers. They took photographs of dead people. They took records of everything—how they fed prisoners during the war and what they did to them during the war and what happened to them, how they died. They kept meticulous journals. We have them in the DIA. Go ask for them. Look at them. They know what happened to these people.

But they hold that out. They hold that out, because they want us to know that they defeated us in that war.

So, if you want to take the position that you are going to get what happened to that pilot on that film if you lift the embargo, that is fine, then vote for the amendment. But if you think you are going to get it just because they want to give it to you and you are going to have leverage, you are mistaken, seriously mistaken. Because you have zero leverage. Zero leverage.

And, frankly, with the utmost respect for the two officers over there, Admiral Larson and General Needham, they are wrong, dead wrong, on this issue.

When it is over, 6 months after you vote for this, how are you going to explain to the families in your State when the Vietnamese suddenly say, "Oh, here is the information on colonel so and so." Where did they get it? Did they just find it somewhere? How are you going to explain that to the families?

It is time we stand up for principle. That is just what is wrong with this country. It is just why people look on those of us in politics in a derogatory way. We all hear it. And this is a good example of it.

Stand up for principle. The principle is these people have been deceitful. They have committed perfidy. They have put these families on a roller coaster ride for years and years and years and they are still doing it.

We can get that information because it is the right thing to do; not the business thing to do, the right thing to do. It is the right thing to do.

Now, what we have not heard here is that this amendment that the Senators have offered is at odds with everything the President of the United States today, Bill Clinton, has said concerning his policy toward resolving the MIA issue. The President has said—he said it—"Lifting the embargo in Vietnam will be contingent upon Vietnam being fully forthcoming on the POW issue."

So if you support your President and the previous Presidents and your position is they have to be fully forthcoming before you lift the embargo, then

stick with your President and his predecessors and do it. If you do not think that is right and you disagree with your President and you disagree with his last four predecessors, then you vote for the amendment and you hope and you pray. You lift the embargo and you get down on your knees and you pray that the Vietnamese will give us all this information now because we have suddenly lifted the trade embargo.

Well, I am not going to take that chance. It is unfair to the families of these people who served—many died, many wounded, captured. It is wrong. It is morally wrong.

Now, if they came in here as a group, the Legion, the VFW, the League of Families, those who have a stake in this—not Senator SMITH, not Senator KERRY, the people who have the missing—if they came in and they said this is what we want, maybe we have a point. But they are not saying that. They are saying the opposite. They do not want this amendment. Ask them before you vote if you are undecided.

The amendment also says if we lift the embargo, in effect, we improve our leverage on Hanoi. We are going to convince Hanoi to be suddenly forthcoming. If they are not, what do we do then? That is what we have been talking about.

Does anybody really believe there would be a movement to reimpose the embargo at that point? Are you prepared to do that, those of you who want to lift this embargo? Are you prepared to put it back on again when information begins to dribble out that you knew they had before? Does anyone really believe that we would reimpose the embargo? Come on.

It is business interests driving this thing. That is what is driving it—profit. And there is not a Senator in here that has a better business voting record than I do—big business, small business, any business, whatever business; 100 percent rating from the NFIB; 100 percent rating from the U.S. Chamber. I do not take a back seat to anybody, with all due respect. So do not tell me that I am antibusiness. But profits should not come ahead of principle. And of all countries, this one it should not. The risks are too high to make a concession like this.

Mr. President, when we know the Vietnamese still have information in their possession—and we do know it and I will prove it in my later remarks—about Americans who were never returned at the end of the war, we ought not to lift the embargo. It is a phony argument to allege that if we allowed more American businessmen to go into Vietnam they would stumble upon some information from the Ministry of National Defense. How many American businessmen stumble around the Pentagon and get top secret information? Come on. They are not going to let you into the Ministry of Defense if you are over there drilling for oil.

That is ridiculous to even insinuate that.

If we lift the trade embargo against North Korea, maybe the North Koreans will let us go in and look at all their nuclear plants. Maybe we could have some American businessmen go over and do it for us.

The families, Mr. President, of 2,238 people, Americans unaccounted for, still unaccounted for from the Vietnam war, are scared, to put it bluntly. They are scared to death that Senator KERRY is going to prevail on this amendment; that he is going to convince his colleagues to vote for this amendment, as he has been working hard to do over the past several days.

I know he was at the White House recently, Monday night, I believe, trying to make his case. It is pretty convenient. There is a nice little, convenient setup here. Go to Vietnam, talk to Needham, talk to Larson, come back to the White House, talk to the President: Everything is fine, we are getting total cooperation, everything is just rosy. Let us lift the embargo.

That is what is going on. The families, those of you out there, need to understand that because that is what is happening. It is a nice little tidy setup here. We are digging around over here, looking for these remains. But we are not bothering to go into Hanoi, into the ministry of defense. We are not investigating live sighting reports. The Vietnamese told me they are not even looking at them anymore. They are not asking us. We are not going to the prisons where we have double polygraphed people who say they saw people buried, prisoners. We are not going there. We have not even asked. And the Vietnamese are not going to let us go there—they are not going to let us go there unless we ask. Admiral Larson and General Needham, why do you not ask to go to those prisons? And I will be pointing some of them out to you, as if you need to know.

The President has said that lifting of the embargo is contingent upon POW/MIA progress. So you are going to go against the policy of this President, and his predecessors ever since the war, if you vote for this amendment. In my judgment, and in the judgment of those affected by this amendment, the families, it is premature for the Senate to do this.

I am not opposed to lifting the embargo. I said I liked the Vietnamese people, and I do. There are some fine people in Vietnam, and I have met a lot of them in five trips. I went all over the country the last time there. I would like to get the war behind me too, and the best way to do it is to say: With all due respect, Mr. Do Muoi and those of you in the Vietnamese Government, give us the information you have. It is the humanitarian thing to do. It is the right thing to do. And after you do that we will lift the embargo. That is what we ought to do, and that

has been the policy of Republicans and Democrats for the past 20 years.

When you cast your vote on this amendment I believe you should reject it because it is premature, and you should be doing so on behalf of the families. They are the ones who have the stake, the families. Let us stop thinking about our own selfish interests, stop thinking about some businessman from some oil company who wants to go into Vietnam and drill for oil. That is great. I would like to see them go in there and do that. I have seen the country. It is oil rich. It is a beautiful country. I have seen the beaches. I would like to go as a tourist—I have told the Vietnamese that—but after you give us the information on our men. That is the decent thing to do.

And my colleagues should be doing this because they support the President's efforts and his current approach to resolving this issue. If you do not support it, and you want to break from it, then you vote for the amendment.

In the strongest possible terms, and with some emotion I admit, I urge the rejection of this amendment. It is the wrong time. There are many, many times in foreign policy that we tend to micromanage in this place. I am guilty of it. We are all guilty of it, depending on which side of the issue we are on. But if this amendment is agreed to, the President, who I believe is leaning to lifting the embargo anyway—that is no secret, many in his administration want it lifted; many in the Bush administration wanted it lifted but there was more of a debate there than is in this one—if we vote to lift it we give the President the excuse to do it because he believes that the American people, through the Senate, have then so indicated that that is what the American people want.

I urge the rejection of this amendment. The right course of action is to have the President first make a determination that Vietnam has been fully forthcoming on the POW/MIA issue. Then and only then should the embargo be lifted.

I believe that is the right way to go. I believe that is what the families want. They have certainly indicated it and they are the ones who should be listened to. No one—no one including me or anyone else—could possibly understand the pain that these people have suffered over the past 25 years, waiting every time somebody goes on a trip to Vietnam, for some shred of information. Imagine the feeling of those who saw their loved one.

I have a tape, a film, in my office that I just got that the Vietnamese just released—in this great period of cooperation—which showed Bobby Garwood. Everybody knows Bobby Garwood came home. But do you know what? In the same film was another man, another POW. Perfectly healthy. Just as healthy as you are or I am. Looking right into the camera. And the Vietnamese were using him for propaganda purposes.

They said he died. Period. No other information. He died; died in captivity. They know what happened to him. And they gave us the film. Why can they not give us the rest of the information? They have it. That is not full cooperation. And it is—even if it is full cooperation, and it is not, it does not justify taking the action of this amendment with that kind of perfidy.

I do have some other remarks. Let me just ask, on a final point on that particular case in that film: If he died, where are his remains? If his remains were destroyed, where did they bury them? Who buried him? What happened to him? They kept notes on it. They know what happened to him. And there are many cases like that; not just one, many.

I would be prepared to yield the floor but before yielding I would say I am going to speak to my own amendment. There might be some question as to whether we would do that, whether I would speak to the amendment before I offer it in the course of this debate, or whether there will be a vote first on the Kerry amendment. But I would just say to my colleagues my preference would be, and I believe what I will do, is speak to my amendment because I believe that my colleagues need to hear why I believe we should stick to the policy that we now have, in great detail, with many examples and cases of where the Vietnamese have not been forthcoming and we know they have not been forthcoming.

Senator SPECTER said he would like to hear some evidence. Senator JOHNSTON said he would like to hear some evidence. I have it. I will temporarily yield the floor and allow some of my colleagues who have been waiting to speak to speak and then reclaim the floor at some point and discuss the content of my amendment, which will either be in the form of a substitute or another amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there are other colleagues waiting to speak, so I am not going to go on at length to rebut most of what my colleague has said, although it is rebuttable.

There is one thing that is important. My colleague said the President ought to make the decision. He has some amendment that purports to give the President the chance to make the decision. Please understand that our amendment, the amendment of Senator MCCAIN and I and others, permits the President to make the decision. It totally leaves the choice to the President. It says we believe he ought to do it expeditiously. When the President deems expeditious is up to the President. So we leave this in the President's hands. There is no difference there.

As to these films that have been alluded to, it is precisely through the Vietnamese we got the films. I was over there and negotiated with them to get them to turn over 319 films that we

have now reviewed. We have been able to look through the films. It is precisely because of that that we now have questions about the whereabouts of this person being buried. Now we now have the list—I showed it a few moments ago—of where people who died in captivity were buried. They also gave us that. So we are going about the task of tracking each of these people.

So, the point to be addressed here is how we are best going to continue this process of accountability, whether we see it shut off or whether we continue.

Mr. SMITH. Will the Senator yield for one point for 30 seconds?

Mr. KERRY. I yield for one point for 30 seconds.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from New Hampshire.

Mr. SMITH. In response to what the Senator said regarding the film, it is correct the Vietnamese did provide the film on POWs and Garwood, where we got the film on David Garwood 25 years ago when he was alive and in prison for a number of years. But they have not told us what has happened to David Hrdlicky. So it is not a case of them providing films today or previously, but we have had films for years and they never chose to tell us what happened to the people.

Mr. KERRY. I agree. We do not have a disagreement on that. But the point is, unless they tell you—which they have obviously not chosen to do for 25 years—you have to find out. Now, if they are not cooperating with you, you are not going to find out.

This is all very simple. This is not half as complicated as some people want to make it. The choice for us is whether we encourage them to shut down the level of cooperation we have gotten to by ignoring the cooperation we have received, or whether we are going to keep going down this road. I think General Vessey said it about as strongly as you can say it. This is a way of opening up that cooperation. It is a judgment people have to make. I believe you keep better faith with the families by guaranteeing we have a process in place that will allow us to get them answers than pushing us back into the dark ages of 1975 to 1988, when the families got no answers and lived in total exclusion of what the truth might be.

Mr. MCCAIN. Will the Senator yield?

Mr. KERRY. If you care about the families, let us keep the process open.

Mr. MCCAIN. Mr. President, I ask the Senator if he would elaborate a little bit on General Vessey. He mentioned his name. I wonder if the Senator would think it appropriate to review the fact that General Vessey got a battlefield commission in World War II at age 17, I believe, served in three wars, became Chairman of the Joint Chiefs of Staff, retired with honor and dignity, and was called back by President Reagan and asked to be his special envoy to Vietnam on this issue.

The man clearly had deserved his retirement. He clearly was not eager for this assignment. I think the Senator from Massachusetts knows how many years he has spent traveling back and forth to Vietnam on this issue, examining it in depth to the point of being totally knowledgeable on every single MIA case and rendering his best judgment and advice and counsel to the President and the American people and those of us in Congress.

Is it not clear, I ask the Senator from Massachusetts, that General Vessey has said that it is in the interest of the United States of America, it is in the interest of addressing the MIA/POW issue for us to move forward in our relations with the Vietnamese Government? And is it not true that General Vessey greatly fears that at some point the Vietnamese will say, "Look, we have complied, we have done what you have asked us to do and yet you still refuse to honor the roadmap that was laid out by the Bush administration"? Is it not also true that he fears that this may cause us to receive much less cooperation and impair our ability to get this issue resolved?

Mr. KERRY. Mr. President, the Senator from Arizona is absolutely correct in summarizing General Vessey's view. I would like to underscore it for a moment. General Vessey not only received a battlefield commission and served for 46 years, but I think people ought to focus that this is a man who fought in Vietnam and in Laos. He is a commander. He lives by the rule that you do not leave people behind. He came out of retirement dedicated to live by that rule. He went back to Vietnam again and again and again, a long and tough journey.

I ask unanimous consent that a history of movement with the Vietnamese be printed in the RECORD.

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

POWMIA HISTORY RE THE VIETNAM WAR

1973:

A total of 591 American POWs return to the United States. Most returned during Operation Homecoming from February to April 1973.

1974:

The Vietnamese repatriate the remains of 24 POWs who died in captivity.

1975:

Saigon falls and American forces are withdrawn from Vietnam.

1976-1978:

After the end of the war, Vietnam's objective was to be accepted into the international community. For example, in 1977 when the U.S. opted not to veto their United Nations membership, the Vietnamese responded by suddenly repatriating the remains of more than 20 Americans. At the same time, U.S.-Vietnamese negotiations explored the possibility of normalizing relations; however, this was later scuttled by Vietnamese demands for war reparations and their invasion of Cambodia. U.S. policy at the time was accounting for missing Americans as "a hoped for by-product" of the normalization process.

1978-1982:

Following the breakdown of normalization talks, contact with Vietnamese officials virtually halted, as did the return of remains and any form of cooperation of the POW/MIA issue.

1982-1987:

The U.S. made clear that resolution of the POW/MIA issue was a humanitarian matter that rested on international standards and that it was in Vietnam's interest to treat it that way, regardless of the state of U.S.-SRV diplomatic relations. It was also made clear that the U.S. domestic environment, absent such treatment, would dictate that the pace and scope of U.S.-SRV relations would be directly affected by cooperation on this issue. U.S. policy-level delegations visit Vietnam and the Vietnamese pledge to resolve the POW/MIA issue.

1987:

January—U.S. proposals for technical discussions in Hanoi were rejected by the Vietnamese, as was a similar proposal the following month. President Reagan named a former Chairman of the Joint Chiefs of Staff, General John Vessey, Jr. USA (Ret.), as Special Presidential Emissary to Hanoi for POW/MIA Affairs.

August—General Vessey led an Interagency Delegation to Vietnam. General Vessey obtained agreement to resume and expand cooperation on POW/MIA and other humanitarian issues of mutual concern to the United States and Vietnam.

Vietnamese were provided some representative case files.

Vietnamese repatriate 8 remains.

1988:

Vietnam agreed to initiate joint field investigations aimed at resolving "compelling" cases that General Vessey had previously provided and to expand their unilateral efforts.

Vietnamese present proposals for the joint activities and agreed to begin joint field investigations. This resulted in three 10 day periods of joint investigations along with a visit by U.S. forensic specialists to examine remains unilaterally provided by Vietnam.

Vietnamese repatriate 62 remains.

1989:

Vietnamese pledge continued cooperation during Vessey-led Interagency delegation visit to Hanoi and agree to measures that would expedite resolution of the issue.

A total of five field activities and four technical meetings are held during the year—results are disappointing.

Vietnamese repatriate 34 remains.

1890:

General Vessey and the POW/MIA Interagency Group meet with FM Thach in Washington, DC. Vietnamese agree to all USG requests including: improved cooperative planning for joint investigations, increased unilateral remains repatriations and serious cooperation to locate and make available war-time documents and records. Thach also agreed to assist in allowing access to witnesses of incidents where U.S. personnel were captured or casualties occurred, and to additional military participation during joint field activities.

Joint field activities and technical meetings continue—results continue to disappoint.

Vietnamese repatriate 17 remains.

1891:

April—U.S. policy concerning normalization of relations with Vietnam, the "roadmap," is presented to Vietnamese officials in New York. The "roadmap" outlined a series of quid pro quo steps the U.S. was prepared to take to improve U.S.-SRV relations and eventually lead to normalization.

The Vietnamese agreed to allow a temporary POW/MIA office in Hanoi during visit by General Vessey.

Five person office opened in Hanoi in July. Vietnamese repatriated 27 remains (11 joint operations, 16 unilaterally).

1992:

January—The 150 member Joint Task Force-Full Accounting (JTF-FA) was established. The JTF-FA was designed to combine all the specialties necessary to obtain the fullest possible accounting of our POW/MIAs. The JTF-FA was placed under CINCPAC to allow the full resources of the theater commander to be brought to bear on this effort.

February—General Vessey returns to Hanoi to assess progress on POW/MIA matters. During the visit, the Vietnamese presented the Military region IV shootdown records.

March—Assistant Secretary of State Solomon led a delegation to Southeast Asia during which the Vietnamese agreed to five steps: implementation of a short notice live-sighting investigation mechanism; access to records, archives and museums; repatriation of remains; trilateral cooperation; and expanded joint field operations.

October—Cheney and Eagleburger meet with the Vietnamese FM Cam in Washington and confront him with materials obtained from Vietnamese archives. General Vessey returns to Vietnam and the Vietnamese agree to aggressively collect and present to the USG POW/MIA related materials from all sources and consolidate it in military museums, thereby providing access to joint U.S. Vietnamese research teams.

December—Vietnam announces a formal amnesty program for private citizens holding remains.

Joint field operations continue to expand in scope and team number and size is increased.

Vietnamese repatriated 32 remains (24 joint operations; 8 unilaterally).

1993:

January—All requested live-sighting investigations and the initial investigation of all 135 remaining discrepancy cases are completed.

April—General Vessey leads a delegation to Hanoi during which the Vietnamese provide new documents and access to several key witnesses for interview including Lt. Gen. Tran Van Quang, reputed source of the Russian 1205 document. Vietnamese pledge continued cooperation; offer information refuting the Russian document and agree to all U.S. requests including continued support of joint field operations, increased archival access; repatriation of remains; and continued investigation of the remaining 92 discrepancy cases.

May—Senator Kerry leads delegation to Vietnam requesting continued cooperation and the Vietnamese agreed to his requests including the formation of a joint POW/MIA information center in Hanoi.

July—President Clinton decides to drop U.S. objections to Vietnam clearing its arrears with the International Monetary Fund. High-level delegation visits Vietnam and conveys President Clinton's requirement for tangible results from the Vietnamese in four key areas: The delegation was led by the Deputy Secretary for Veterans Affairs, Heschel Gober, and included Assistant Secretary Winston Lord and Lt. General Michael Ryan of the Joint Staff. The President's four areas of concern become the benchmark for cooperation and include the repatriation of remains; access to documents; trilateral cooperation; and continued investigation of live sightings and priority discrepancy cases.

September—President Clinton renews the trade embargo with Vietnam, but allows some modifications.

December—Assistant Secretary of State, Winston Lord, led an interagency delegation to Vietnam to assess results in the four areas of concern. He reported cooperation was excellent and results have been achieved.

Joint field operations continue on the largest scale ever, cooperation by the Vietnamese receives high marks from JTF-FA.

Vietnamese repatriated 67 remains making 1993 the third largest year for remains since the end of the war.

General Information:

The remains of 281 Americans previously missing in Vietnam have been identified. Several hundred other remains have been repatriated, but not yet identified (many never will). The identification process is often time consuming and laborious. The delay in the positive identification of some remains is a function of the high standards of proof we require before making an identification, rather than a lack of Vietnamese cooperation.

Of the 1715 first hand live-sighting report received since 1975, 1,694 (99 percent) are resolved. No reports require further field investigation in Vietnam. Vietnamese cooperation in this area has been excellent.

One thousand one hundred and ninety-five (70 percent) relate to Americans who are accounted for (POW returnees, missionaries, jailed civilians, etc.)

Forty-five (3 percent) relate to wartime sightings of military personnel or pre-1975 sightings of civilians who remain unaccounted for.

Four hundred and fifty-four (26 percent) are fabrications.

The remaining 21 reports are under current investigation; but these do not require field investigation in Vietnam. Not all of these reports are Vietnam cases.

Archival research teams started work in November 1992 when the Vietnamese began making their military museum holdings available for review.

At the height of archival activity there were three teams located in Hanoi, Da Nang, and Ho Chi Minh City have shut down because they have completed the review of materials in those locations.

Nearly 24,000 documents, photographs, and artifacts have been reviewed with more than 600 items correlating to an unaccounted for American.

Joint Document Center has been established in Vietnam's Central Army Museum in Hanoi.

Oral History Program is designed to gain information from the memories of Vietnamese participants of operations during the war involving U.S. POWs or casualties.

More than 120 individuals have been identified for an interview, and over half of the interviews have already been conducted.

Priority Discrepancy Cases or "last known alive cases" are those cases where there is some indication that the serviceman was "last known alive" subsequent to their loss incident or was listed by their military service as POW at Homecoming but did not return during Homecoming.

A total of 198 individuals in this category were presented to the Vietnamese by General Vessey.

Total reduced to 135 by January 1992. The JTF-FA completed an initial investigation of all cases by January 1993.

We established a Priority Case Investigation Team in June 1993 to focus solely on the remaining priority discrepancy cases. This team has completed 34 follow-up investigations.

Policy review of additional information has resulted in a late determined status for 123 individuals of the original 196, as of January 1994. This leaves 73 priority discrepancy cases requiring further investigation.

Twenty-four individuals have been accounted for through remains identification and have been removed from the list of POW/MIAs.

Although the other 99 individuals members have been removed from the priority discrepancy list, they are still considered unaccounted for and remain on the overall list of 228. We will continue to search for their remains.

A Special Remains Team was formed in the fall of 1993 to focus on those cases where the possibility of remains recovery appears best. The team works continuously, independently of JTF-FA, in Vietnam and has thus far focused on those who died in captivity. This team has recommended seven reported burial sites for excavation.

Americans accounted for through remains identification: Vietnam—281 (including 1 recovered from indigenous personnel); China—2; Laos—59 (including 3 recovered from indigenous personnel); Cambodia—3; total=345.

Americans unaccounted for in Southeast Asia: Vietnam—1,647; Laos—505; Cambodia—78; China—8; total=2,238.

Totals from WW II: 78,000; Korea: 8,140 (KIA/BNR).

Mr. KERRY, Mr. President, this is a history of movement with the Vietnamese. You can go back to 1973 and there were 591 American POWs returned. In 1974, they repatriated 24 remains, people who died in captivity. In 1975, Saigon fell; our forces gone. From 1976 to 1978, there were very few things that went on. From 1978 to 1982, total breakdown, nothing happened. From 1982 to 1987, some engagement; but no real progress. And, finally, General John Vessey goes over there. The whole task force is put together, and then in October 1992, just to give an example, Secretary Cheney and Secretary Eagleburger met with the Vietnamese and they confronted the Vietnamese with documents that we had obtained from Vietnamese archives. How did we get the documents from the archives? They let us into the archives. We got the documents. The documents showed us things, so the Secretaries meet with them and General Vessey then returned to Vietnam.

As a result, the Vietnamese agreed to collect and present to us related materials consolidated in the military museums and pull it together. I could go through here step for step, page for page, because that is where the pages are filled with the things that General Vessey was able to negotiate and get out of the Vietnamese which have given answers to families.

Despite all the Ramboes running around this country who raise money and have spent incredible amounts of citizens' money claiming they are going to bring back live prisoners, they are going to get accountability, they have not provided one answer to one family. Not one. And in 20 years, the Ramboes have not brought out one live prisoner. General Vessey has provided answers. From 196 cases, we are now down to 73. For those 116 or 120 families, they know what happened. General Vessey is telling us today: Lift this embargo so you do not jeopardize further the process, so you can finance it.

I think the Senator from Arizona made an important point in underscoring that. I know other colleagues want to speak, so I will yield the floor.

Mr. CHAFFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island, Senator CHAFFEE, is recognized.

Mr. CHAFFEE. Mr. President, first, I want to say obviously this is an issue that stirs deep emotions, and I can understand fully the viewpoints of the major proponents of this legislation, the Senator from New Hampshire and the Senator from Massachusetts and the Senator from Arizona.

Next, I would like to say that I think it is important to know who the sponsors are of this amendment. I do not think there are two more distinguished veterans of the Vietnam war than the two Senators, Senator KERRY from Massachusetts and Senator MCCAIN from Arizona. We are familiar with their records. Not that what they say should be the total gospel but, nonetheless, the fact is that those two Senators—one a prisoner of war for a good number of years over there, the other with a very distinguished war record in the Navy in Vietnam—are the key sponsors of this resolution.

It seems to me the key question we are facing up to tonight is how do we get more information, the best possible information, on those missing in action, the MIA's. It seems to me that is the central question to the debate that we are engaged in. I would like to make several points, if I might.

First, I do not think we can discount the fact that nearly every code, congressional delegation, Representatives and Senators, that have visited Vietnam, I know of none that have come back saying other than the fact that they believe the Vietnamese are cooperating fully. If there are others, if there are some delegations that have come back with a contrary view, I do not know who they are. Nor, Mr. President, do I think we can set aside the judgment of those distinguished officers, some retired, who have spent months and years on this problem and have come to the conclusion that the Vietnamese are cooperating fully.

General Needham's name has been mentioned several times, and Admiral Larson and General Vessey. I, like many of the Senators, have not been to Vietnam recently. So who do we depend upon? We depend upon those who have been there and those who have spent a lot of time on this. This is not just some flash visit by General Vessey; Go in, get the rapid tour, leave after 2 days, and that is it. General Vessey has been there I do not know how many times.

I must say, I have been impressed with the number of visits that Senator KERRY has made and, indeed, Senator SMITH likewise. During the summertime when the rest of us are off on some vacation, when you turn on the television, there is Senator KERRY making his sixth or seventh trip—I be-

lieve is it eight trips—eight trips Senator KERRY has made. So this is a deep passion of his to do everything he can to find what has happened to the MIA's there. This is very influential on the rest of us. So we have respect for their judgment, and their judgment has been the time has come now to lift the trade embargo against Vietnam.

The second point I think is a very important one. Do we not wish to reward in some small way the Government of Vietnam that has been cooperative? We have said to them: If you cooperate, meet these conditions, then we will lift the trade embargo.

They have done that. So what do we say? "No, no, there is another hurdle out there for you?" Or do we say, "yes, we respect what you have done and we will lift that trade embargo." But the next point, it seems to me, is very important. It has been made, but I would like to stress it again. Lifting the trade embargo is not a total lift of all the restrictions against Vietnam. We still do not diplomatically recognize that country. Vietnam is extremely anxious to achieve diplomatic recognition. That is something different from lifting the trade embargo.

The lifting of the trade embargo means we will trade with Vietnam, but it does not mean we will have full diplomatic relations. That is another reward, if you would, that we can grant to the Vietnamese later if they are even more forthcoming than has been stated to date by those who have been involved much deeper in this than I have.

Fourth, will this amendment diminish the chances for more information on the MIA's? Not in my judgment, for two reasons. First, it seems to me by rewarding in this modest way, lifting of the trade embargo, we are encouraging even greater cooperation. There are those who are in the Vietnamese Government who just find it too much effort, too lazy to do it or do not want to cooperate. There is a bureaucratic struggle. I am sure, within Vietnam: Yes, do something and cooperate further with those Americans. You could get something out of it. And there are those undoubtedly within the Vietnamese Government who are saying do not do anything more; they will not reward you in any fashion anyway.

So we are saying to those who are for the fullest cooperation, this is what we will give you. We will give you this lifting of the trade embargo and maybe later restoration of diplomatic relations. That is the first point.

But the second point—and I know Senator SMITH is entirely sincere in everything he says, but he just brushed aside this fact—is that more information will be found in that country when there are more Americans around there. I strongly believe that. I think the best way to get more information about MIA's in Vietnam is to have Americans across the countryside, even if it is trying to sell pumps in some small village. All the Americans that

will come there for further trade are not going to be off shore drilling oil wells. They are going to be trying to sell automobiles. They are going to be trying to sell tractors. They are going to be trying to sell backhoes. They are going to be trying to sell telecommunications equipment. In my judgment, the best way to get more information is to have these Americans spread across the country.

Now, fifth, Mr. President, regretfully, there cannot ever be a full accounting of every MIA. Just think of it. From World War II, there are still 78,000 Americans who are missing. I would just like to give a tiny illustration, if I might, of an incident that struck home with me.

When World War II came, I left college along with another college classmate. We were acquaintances. We were not close friends. We both went into the Marine Corps together—not together, but we both went into the Marine Corps. We both joined the First Marine Division, both landed in Guadalcanal on August 7, 1942. He, Russ Whittlesey, was killed in September of 1942 on Guadalcanal. Because of the fluid situation, his body was found and was buried very quickly because of the situation that then existed.

Three months later we conquered Guadalcanal. We had driven away or killed all the Japanese that were there. We had control of the island. Our lines and the place where Russ Whittlesey was buried were fairly well known—not exactly; we did not find his body, not that I was personally searching for it, but the graves registration unit of our division was. So he was carried as missing. They knew he had been killed, but they never found his body.

In 1989, 47 years after Russ Whittlesey was killed, a farmer was plowing and struck and found his remains.

Now, the point I am making, Mr. President, sad though it is, we will not find the remains of every single American soldier who is missing in action in Vietnam. Regrettably, that is true.

Now, the sixth point. What do we gain in the United States from the lifting of this trade embargo? It in my judgment improves our opportunity to learn more about the MIA's that are there. That, of course, is the essential point of the discussion we are having this evening. Senator SMITH's credentials as being probusiness he set forth. But it seems to me that it is important to remember that this is a tremendous market that exists. We will not lose out on that market by moving forward to lifting this trade embargo. We are not going to diminish our chances for finding out more about the MIA's there, and it will give us a chance to get across the countryside at the same time to sell our goods.

This is a tremendous country. If I asked those on the Senate floor today what is the population of Vietnam—if I would have asked that of myself several months ago, I would have come up

with the answer "32 million," just trying to figure roughly.

The population of Vietnam is 72 million. It is a very big nation. I think it is a nation with which it behooves us to have better relations for a whole series of reasons. Our relationship with China, our relationships with all the nations of Southeast Asia, it seems to me, are affected to a great degree by what our relations are with Vietnam.

So for these reasons, because most of all and principally it is going to give us a better chance to find out more about the missing in action and, second, that there are markets there which provide jobs for Americans, I think we should take this first step—not a total step, not diplomatic recognition, but the lifting of the trade embargo, which I think is in the best interests of the United States of America and those families who still have that pain and sorrow for some loved one within their family who is an MIA.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY], is recognized.

Mr. GRASSLEY. Mr. President, I rise in opposition to the amendment put before us by Senator KERRY.

Mr. KERRY. Mr. President, will the Senator yield?

Mr. GRASSLEY. If I do not lose my right to the floor.

Mr. KERRY. Simply for a point here. The PRESIDING OFFICER. Does the Senator yield?

Mr. GRASSLEY. How long is the Senator going to take?

Mr. KERRY. I am not going to take very much time at all. I simply want to inquire whether or not it might be possible now—Senator MITCHELL, the majority leader, has informed me he intends for us to stay and vote on this this evening. The issue is, therefore, whether or not we could reach a time agreement, which we are perfectly happy to enter into over here. I wanted to inquire how long the Senator from Iowa wished to speak, and perhaps we can just make an allowance here and get everybody in and create an agreement, and then we can tell colleagues when it is we would vote.

Mr. GRASSLEY. At the outside, I would say roughly 15, maybe 12 to 15 minutes.

Mr. KERRY. How much time does the Senator from New Hampshire think he needs in total?

Mr. SMITH. Probably a half an hour, but I would want to confer with the minority leader before entering into an agreement, because he is a cosponsor with me. He is one of the original cosponsors of my amendment.

Mr. KERRY. This would not be a time agreement on the Senator's amendment. This would simply be a time agreement on the current and pending amendment. Therefore, the Senator's rights with respect to his amendment, of which Senator Dole is

a cosponsor, would be totally protected. The question simply is whether or not we could arrange a time which we could enter into now so we could have a vote on this. Then we could inform our colleagues so they can plan accordingly. If the Senator needs half an hour, say, and the Senator from Iowa needs 15 minutes, if we were to say an hour on that side and an hour on this side—

Mr. MURKOWSKI. This Senator is going to need a half hour.

Mr. KERRY. The Senator from Alaska needs a half hour?

Mr. MURKOWSKI. The Senator from Alaska would ask a half hour.

Mr. KERRY. A half hour, and I know 5 minutes for the Senator from Rhode Island, and the Senator from Maryland?

Ms. MEKULSKI. No more than 10 minutes, probably less.

Mr. KERRY. So again on this side, if you wanted to agree on a time limit of 2 hours equally divided, we would be agreeable to enter into that.

Mr. SMITH. I will attempt to confer with the minority leader on that request while Senator GRASSLEY is speaking.

Mr. KERRY. I thank the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. GRASSLEY. Mr. President, the debate on this amendment is not about whether there is evidence that U.S. servicemen were left behind in Indochina. That question was the one that the POW-MIA Select Committee grappled with in 1991-1992. We tried to answer that question. We left a very extensive record to deal with on that question.

We had disagreements on certain issues. And we found consensus on a lot of other issues.

Rather, I think the debate on this Kerry amendment is about whether we can truthfully say that the families of our missing have received the fullest possible accounting of their loved ones. I think the answer is, obviously, no.

There are some who say that the Vietnamese have shown somehow incredible rare openness and a rare amount of cooperation to provide us with information.

As a matter of fact, you can say Vietnam has provided us with some information; helmets, photographs, artifacts and the like. But my colleagues and the public cannot fully understand what it is that the Vietnamese gave us unless they also know what the Vietnamese did not give us. So let me explain.

To say that the Vietnamese are cooperating is a relative assertion. Compared to what, I ask? Certainly photos and helmets are an enormous breakthrough compared to nothing, which is what we were getting prior to that unsightly exhibition last October. Those who fall all over themselves to assign a great significance to the Vietnamese gesture must certainly recognize its

hollowness now. For sure, the rest of the world recognizes it is a hollow gesture.

How many cases were resolved as a result of 700 photos? Just a handful—just a handful out of 2,200-plus cases.

For the benefit of my colleagues, for the benefit of families, and for the benefit of the public, I would like to describe the categories of information that Vietnam has. We learned of the existence of these categories through interviews during the select committee's investigation.

The first level of information is archival, related to military history. This is information in museums and such like that. Even Vietnamese citizens have access to much of this information. It would include photos and it would include helmets of pilots such as we saw trotted out last fall by the Vietnamese. This is the first level of information, and I might say it is the least useful.

Next, there are the provincial wartime records of shoot-downs. This information is an accounting of the date, the time, and the location of each shoot-down of an American plane out somewhere in the countryside of Vietnam. It also provides data on the type of aircraft and the status of the pilot and the crew.

These are official unit records of the anti-aircraft corps of Vietnam. The utility of this information is, among other things, to crosscheck the status of our MIA's with our own records of the U.S. Government.

Finally, there is the national security information. Here I refer to central committee-level documents. These contain in essence the Vietnam national secrets on U.S. prisoner activity and information thereto. This information is what would tell us what happened to our prisoners and to our missing.

It is important to know first off that Vietnam denied the existence of any information whatsoever of this data. So did our crack investigative outfit on this issue; the Defense Intelligence Agency or DIA. Yet, as I will show, somehow the information started to appear.

In April 1992, a delegation from the select committee went to Indochina seeking answers and documentation. I was one of them. We were told politely that there was no information available, not even photos, and helmets, and all that stuff that they produced just 6 months later. Obviously, it was a bald-faced lie. It took creating an international scandal before the Vietnamese would eventually part with even this low level category of data. And they did not provide this information government to government. They somehow, accidentally, let me say, let us find it through some person who was described as a researcher.

This, I remind my colleagues, was information that the Defense Intelligence Agency insisted did not exist.

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Throughout the rest of 1992 and 1993, the Vietnamese still claimed to have no new information. Meanwhile, there were high expectations on the part of Vietnam that the embargo would be lifted in September of 1993 on the 20th anniversary. But the Clinton administration, although softening the embargo somewhat, however, wisely rejected a push by the bureaucracy and these business interests to lift that embargo.

The President's rationale was that the Vietnamese had failed to be fully forthcoming. But now a very funny thing happened thereafter, Mr. President. Subsequent to September 1993 with President Clinton playing hardball, let me emphasize—with the President playing hardball—lo and behold, a second level data on our MIA's and the provincial unit records began to surface. Like the earlier channel, the channel used to pass this information was not the usual government to government one. But this time instead of them allowing us to accidentally find the data, they channeled it through a humanitarian effort; that is to the same joint task force that has been digging up their countryside looking for remains. This data has been streaming in steadily since last fall. It shows date and location of incidents, time of aircraft, and status of pilot and crew. Some of it conflicts with information the U.S. Government had on specific MIA's, and the extent of that conflict I think is useful information for us.

How did this information just happen to show up, Mr. President?

The answer is because the administration, meaning the Clinton administration, played hardball and caused them to cough up the data. Yet, this is the very same data that both the Vietnamese and the DIA said did not exist. Now we know that it does exist.

So in summary, the only information that we have received so far from Vietnam about our MIA's is museum pieces and military historical records.

Now, Mr. President, let me outline the information that we do not have. I am sure that this will be of immense interest to the families, to the public, to the intelligence community and to my colleagues. We have no provincial prison records, no national prison records, no national leadership records, no list of prisons and who was kept where and what was done with them during the war.

No dossiers on prisoners; nothing from the Ministry of Interior which is their security department; no decision papers; no position papers; no ministerial directives. In short, then, we have nothing from Vietnam's files. All we have is what we know from our files. We provide the Vietnamese with what we know and they comment on it. To me, that is not cooperation; it is not the type of cooperation that I have heard described here on the floor of this body by the sponsors of this amendment.

The Vietnamese have not even given us their list of prisoners. We merely gave them our list and asked them to comment. We presented them with the last-known-alive list, and they commented on it. That is like trying to piece together a very difficult puzzle. That is a far cry from providing us records and documents and letting records and documents tell us what happened. What is so sensitive now about a twenty-year-old wartime record and their handling of prisoners 20 years ago? What should be so sensitive about that? The bottom line is that we are operating over there almost exclusively on our own data and, taxpayers, get this: We are paying the Vietnamese for the privilege of digging up their countryside for remains. Some of the prices we are paying would make \$1,800 toilet seats that the DOD buys seem very reasonable.

Mr. President, they have denied us all of this information, despite the fact that the United States recently turned over to them—our Government turned over to the Vietnamese—3 million pages of the same type of data that we had on their prisoners. Is it not reasonable to expect the same thing in return before we go about proclaiming the Vietnamese's total cooperation to our efforts?

In light of all this, Mr. President, I wonder how many among us can face their constituents and families of MIA's and say, yes, the Vietnamese have reasonably been fully forthcoming. The immediate question is: If pressure on Vietnam made them disclose the first and second levels of information, why would we lift the embargo now, before we get their national security data, the data similar to what we gave them recently, and the kind of data reflected in the Russian document that our DIA—that crack investigative unit that we rely on probably more than we should—predictably claimed that it has been debunked. There is a document that with everything else in it, they do not have any question; but anything that refers to our POW's in Vietnam, somehow, it just is not factual. They find fault with it. But everything else in the document was OK.

That ought to tell you something about our people, whose major responsibility is to see that we carry out our obligation to get this information out to satisfy the families yearning for this information.

Because Vietnam has not been forthcoming with information, we should continue to hold out, just as President Clinton did in September, until that third level of information, accidentally received or otherwise, finds its way into our hands. If we do not continue to press for full disclosure, what incentive does Vietnam have to fully cooperate and fully disclose? We owe it to the families and to those who will fight for America in the future, to those whom we told we will neither forsake nor forget.

Furthermore, Mr. President, if we move ahead with lifting the embargo, without full disclosure by Vietnam, we will be rewarding Vietnam, while ignoring their human rights abuses. I have heard the distinguished Senator from Nebraska, Senator KERREY, State this point over and over again, and we should listen to what he says about this. We have stress over human rights issues in China. In fact, our Secretary of State, just 2 days ago, was talking to the Chinese in Paris about improving their record if they want this body to keep most-favored-nation status going. Why that concern about China? Why not the concern about human rights in Vietnam? I do not know.

Vietnamese citizens are unable to express their discontent. You may remember that, recently, Senator ROBB was unable to gain access to a political prisoner that he sought to meet with in Vietnam.

There continues to be a tight public security operation in Vietnam. The Vietnamese people continue to suffer hardships and abuses. Meanwhile, information is abundant that more liberal political factions in Vietnam are increasingly threatening to replace the old Communist guard. If we lift the embargo, we reward that old guard. Human rights abuses will continue. Mr. President. Surely, this is not in America's interest. It is not in the world's interest, and it does not speak very well of the consistency of our moral leadership in the world community of nations when we keep stressing freedom.

Last night, that was a strong point that President Clinton made in his State of the Union message. It was a strong point that I think we all believe. It is a strong point that ought to be considered in this debate. These are all legitimate reasons, Mr. President, why we must support the Dole-Smith amendment, which I hope we will get a chance to vote on '2nd defeat. Lifting the embargo is not right, not for the families, not for the missing, not for tomorrow's servicemen, and not for our country. We have a moral obligation to deliver on our promise of the fullest possible accounting. Let me get one thing straight, Mr. President, those who are pushing the embargo to be lifted are doing so because they want it lifted, not because the problem has been solved.

The problem of the fullest possible disclosure by Vietnam is unresolved because Vietnam has failed to cooperate as fully as they have the capability of doing. They have responded to our economic leverage. They have done it on level one and level two. Let us keep that economic leverage there for level three information that we want. We can force their hand and force them to deliver just as the President did in September. Let us not take away the President's leverage to do so again.

The strategy supported by the Dole-Smith amendment is empirical. Both times we got information. We got it because we played hard ball. We can do

what works, or we can roll the dice. I think that it is a roll of the dice if we follow the direction of the amendment now before the Senate.

I yield the floor.

Mr. KERRY. I want to take a moment before my two colleagues, particularly the chairman, speak. I listened carefully to the Senator from Iowa. I think one of the most important things here is to have accuracy in the representations. In point of fact, the Senator has not accurately represented documents that we have received. He said that we ought to listen to Senator BOB KERREY on the subject of human rights. I agree. BOB KERREY is an original cosponsor of this amendment. He is a Medal of Honor winner, Vietnam veteran, and he believes we ought to proceed forward here. BOB KERREY has advocated human rights in Vietnam. He believes we will do more for human rights by going in there and being able to assert ourselves and press the issue of democratization and freedom, which we do not do very effectively now. He will speak for himself.

Let me point to corrections in the RECORD. I was on the trip where he relates the Vietnamese said no information is available and they somehow lied. They said they did not have the information available at that time to get their hands on while we were there, but they were going to begin a process of reaching out to their tradition houses, archives, and their military personnel and get that information in. That is precisely what has been happening. I think the Senator from Iowa has made a marvelous argument for why we ought to lift the embargo, because, in point of fact, he traced the history of how documents came to surface. They came to surface because we had a person working in their archive process. They knew it, and we knew it. They chose to surface some of these materials through that person. Why? Because this is still an authoritarian government. We all understand that. They have their own tensions within their own government. There are some people who do not want to deal with us. There are some people who do. There are some people who do not want to put things out. There are some who do.

We have that in our own departments. The Senator remembers how tough it was to get the CIA to give us information. Remember how tough it was to get the DIA to give us some information. This is not unique. We understand the process of tug-of-war to get information.

The fact is all the information we have been able to get we get because we have been able to be there. We have been able to discover things. We have been able to confront them. And that is the process.

The Senator says we do not have prison records. That is not true. We do have prison records. The Senator said we have no dossier on our prisoners. I personally had certain medical records on our prisoners turned over to us, and

we hope those are going to help lead us to further records on our prisoners.

In addition, he said we have no interior department records and no records of some of the political records and shoot-downs.

I personally negotiated and pressed for what are called the group 559 documents that dealt with operations along the Ho Chi Minh Trail. In addition to that, there is a group of documents called the 875 documents which are documents of the general political directorate which come through the interior department and refer to our prisoners. We are now receiving those documents. We have some of them in hand.

We think there may be more, but nobody knows to a certainty where or how many more. We are going to continue to press that process.

So I come back. I think the Senator frankly has made an excellent argument for how we have been able to produce these documents which is exactly what we are saying. You get the document by getting access and moving down the road through the cooperative effort.

I promised to yield to the Senator from Rhode Island who has been waiting.

Mr. GRASSLEY. Mr. President, will you let me engage the Senator for 60 seconds?

Mr. KERRY. I am delighted to. I do not want to put the Senator off. I do not want to yield the floor. I am happy to respond.

Mr. GRASSLEY. Mr. President, I make clear that I cannot contest some of these documents that he refers to, but we happen to know what documents exist from our investigation. I want to make clear that I was talking about a full and complete set.

We have some specific pieces here and there that we have gotten from the department the Senator stated and dossiers and some prisons. But I am talking about a full and complete as we know those records full and complete exist. We do not have that sort of cooperation from them.

Then my last point is simply the Senator made an argument when he states about it being an authoritarian government. It is for that reason that I think we have to use the economic leverage or we will never get any answers, and it is because they are authoritarian they can get away with lying to us.

Mr. KERRY. Let me say to my colleague, I do not contest that we at times have been lied to. I never asserted otherwise.

I am trying to create a structure where we can create an accountability where there is not a lie.

As I said at the outset of my comments, there is nothing in the approach of myself, Senator MCCAIN, Senator MURKOWSKI, and others, that is based on trust. We would be fools if this was based on trust. This is based on a process of how you verify.

But let me say to my colleague—he says, you know, we know what they have or do not have. We know that they had certain records. We do not know that they have them today. We cannot prove them today. No one can prove they have them today.

The only way we are going to prove they have them today is by getting into the process and discovering them and finding someone who is going to give us a smoking gun. We can make all the conjecture we want about what they do and do not have. The truth is we are not going to know unless we are there, and that is the bottom line.

The PRESIDING OFFICER. The Senator from Rhode Island (Mr. PELL), is recognized.

Mr. PELL. Mr. President, I urge support for Senator KERRY and Senator MCCAIN's amendment stating it is the sense of the Congress that the trade embargo with Vietnam should be lifted.

I have long endorsed lifting the trade embargo. Indeed, I would be pleased to see the administration take even more dramatic steps. Early last year Senator LUGAR and I wrote to President Clinton recommending that the trade embargo be lifted and appropriate steps taken toward the normalization of relations with Vietnam, for many of the same reasons just enumerated by Senators KERRY and MCCAIN. I ask unanimous consent that a copy of our letter and a letter from the chamber of commerce be printed in the RECORD at the conclusion of my remarks.

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

Mr. PELL. Mr. President, I think it is interesting to note that every Vietnam combat veteran among our body supports this amendment. It is time to write an end to the Vietnam war. Continuation of the trade embargo with Vietnam in this day and age in which American officials negotiate with North Koreans and trade with the People's Republic of China is measured in tens of billions of dollars is an anachronism.

Ending the trade embargo does not mean an end to the search for those listed as missing in action or prisoners of war. In fact, it means an intensified search as more Americans visit Vietnam. To the team of American investigators now operating in Vietnam will be added hundreds, perhaps thousands, of American businessmen and tourists. Any shred of evidence of a live prisoner or the remains of someone missing in action, I am certain, will surface more quickly than if we continue to try to limit contact with Vietnam. I believe that lifting the trade embargo will bring the best accounting possible of our MIA/POW's.

The United States alone maintains trade sanctions on Vietnam. As others have noted, lifting the trade embargo would enable American businesses to compete more effectively for the promising Vietnamese market. Business is important. We all recognize that Amer-

ics must export more if we are to grow as a Nation.

But equally important is the impact of American business on the Vietnamese political and economic system. American business will transform the landscape of Vietnamese society just as it is changing China today. While both Chinese and Vietnamese officials may believe that they can resist political changes even while pursuing economic reform, I do not believe that they will be able to stem the tide of political liberalization that comes with economic change. By lifting the trade embargo, we have the opportunity eventually to see democracy brought to all of Vietnam. Where once we fought for half a country, we now have a chance to win all a country. We cannot afford to lose this opportunity again.

Improving the human rights of the Vietnamese people, many of whom fought beside our soldiers in the war, and resolving the remaining cases of those missing-in-action should be the goal of our foreign policy in Vietnam.

I urge my colleagues to support this amendment. At the same time I urge President Clinton to lift the trade embargo and take steps toward restoring full diplomatic relations with Vietnam. Let us seize the future, not dwell in the past.

Particularly I bring to our attention focusing again on the fact that all the Vietnam combat veterans in our body support this amendment. I yield the floor.

EXHIBIT 1

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 18, 1993.

DEAR MR. PRESIDENT: We are writing to urge you to lift the United States trade embargo on Vietnam and to not oppose loans to Vietnam by international financial institutions. In addition, we believe the United States should take appropriate steps towards the normalization of relations with Vietnam, including the establishment of a diplomatic liaison office in Hanoi.

In our view such steps are warranted as well within the policy parameters established by President Bush in the so-called road map proposal for the normalization of relations between the United States and Vietnam. In particular we note that the Paris Peace Accords for the settlement of the Cambodian conflict have been in effect for over a year and in fact the United Nations Transitional Authority in Cambodia (UNTAC) is now contemplating the completion of its mission. In addition, we believe a process has been established for the resolution of the POW/MIA issue with Vietnam that has already produced substantial results and promises to produce even more progress over the coming years.

Further resolution of the POW/MIA issue would be aided by a closer relationship with Vietnam. In this regard we would support efforts to devote more American assets to the Joint Recovery Task Force now operating in Vietnam. We certainly believe that it is within Vietnam's capability to do much more in assisting the resolution of this issue but we believe the prospects for success will be enhanced through intensified American and international contact with Vietnam.

In addition although we remain deeply concerned about Vietnam's human rights sit-

uation, once again we believe that we will have greater influence on Vietnam's human rights situation with normalization than we would without such relations. A similar situation prevails in China where because of our extensive political and economic relationship with China we maintain a dialogue on human rights and other issues which has resulted in internal improvements.

The United States alone maintains trade sanctions on Vietnam. Lifting the trade embargo would enable American business to compete more effectively with other countries and other international businesses for the promising Vietnamese market.

We believe that an aggressive and enlightened bilateral and multilateral dialogue with Vietnam will eventually result in democratic change in Vietnam and achieve a more complete resolution of the POW/MIA issue. For those Americans deeply concerned about those issues we believe that there is only one policy course. Therefore, we encourage you to take immediate steps to end Vietnam's economic and political isolation from the world community.

With every good wish,

Every sincerely,

CLAIBORNE PELL,

Chairman.

RICHARD G. LUGAR,

U.S. Senator.

U.S. CHAMBER OF COMMERCE,
Washington, DC, January 25, 1994.

HON. CLAIBORNE PELL,
U.S. Senate, Washington, DC.

DEAR SENATOR PELL: During consideration of H.R. 1281, the State Department Authorization Bill, amendments will be raised dealing with the current U.S. economic sanctions against Vietnam. The U.S. Chamber of Commerce urges your support for the amendment proposed by Senators Kerry, McCain, Murkowski, Robb and others which requests that the President lift all sanctions prohibiting non-strategic trade and investment with Vietnam.

Given the ongoing liberalization of Vietnam's economy and its cooperation with the United States regarding POWs/MIAs and the situation in Cambodia, the U.S. foreign policy rationale for continuing sanctions against Vietnam is no longer persuasive. In fact, of 200 POW/MIA discrepancy cases, more than 120 have been resolved to the satisfaction of the U.S. government and the families involved. Lifting the embargo would speed resolution of the remaining bilateral issues more effectively than maintaining sanctions that only serve to damage the economic position of the United States.

A continuation of the U.S. trade embargo against Vietnam will only serve to restrict U.S. business from competing in the region now and in the future. Most of our major trading partners have been trading in Vietnam for some time, positioning themselves to take advantage of a potentially lucrative and dynamic export market, while U.S. companies with competitive products are forced to sit on the sidelines.

The U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 local and state chambers of commerce, 1,200 trade and professional associations, and 68 American Chambers of Commerce abroad urges your support for this amendment requesting an immediate lifting of the U.S. trade embargo with Vietnam.

Sincerely,

WILLIAM T. ARCHER.

The PRESIDING OFFICER, The Senator from Maryland, [Ms. MIKULSKI].
Ms. MIKULSKI, Thank you very much, Mr. President.

Mr. President, for many years I have supported the efforts to get a full and complete accounting of our missing in action from the Vietnam war. As a woman in both the House and the Senate, my heart went out to the families of the MIA's whose wives, mothers, and daughters never knew what happened to their loved ones, also particularly to the sons and daughters who never even knew their dad because he was missing in action when they were either a child or before they were born.

These gallant, brave families have faced at every step over the last 2 1/2 decades resistance, rejection, and even stonewalling of their efforts by the Vietnamese Government and often they got little help or little support from their own United States Government. They feel hurt. They always feel abandonment.

At the same time, I have always supported our Vietnam veterans, those who vote, those who died, and many who bear the permanent wounds of war. My support has not been by words but I have tried to do it by deeds.

I chaired the subcommittee that funds the Appropriations Committee for the veterans programs. I have tried to fund the benefit package that was promised to them and to really move health care to a world-class status.

I have voted to create the POW/MIA committee within the Senate and voted to sustain that committee.

For me, the men and women who served in Vietnam are special. So many were working class families, and in my own neighborhood, I have been to their funerals, and I have been to their parades. My mother's very best friend's son, a graduate of West Point, was killed in Vietnam. His name is Frankie Schap. Right now he would be in his late forties, and what we have of Frankie, or I should say Captain Schap, is his name engraved on the Vietnam memorial and engraved in the families of a Polish American neighborhood who were so proud the day he went to West Point, the day he graduated from West Point, and we then remember the day he came home from Vietnam in a casket.

So I have been on the side of the men and women who were there, whether it was the women at China Beach or the men at the Mekong Delta.

So now we are faced with what should we do about this vote on lifting the embargo. My first impulse is to vote no, absolutely no. Then I had to examine what will get us to the accounting of what we want.

For 25 years we followed the policy of no communication, no cooperation, and the pursuit of isolation with Vietnam, with economic sanctions, punishments and embargoes. We got nowhere. But then, under President Reagan and then amplified by President Bush, there was the policy of small steps, of communication and confidence building, led primarily by General Vessey. And there have been openings. There has been more accounting. There has been

more information during the last 5 years.

We have the information that was brought to us by General Vessey, a decorated hero who himself served gallantly in Vietnam, who outlined the steps that he thought were achieved during his leadership in heading the Bush effort on confidence building and small steps. Senator KERRY, JOHN KERRY, has shared with us the facts about many of those; that from 1975 to 1988, very little happened; that under the then Vessey effort, the MIA task force was able to go out into the community to dig for remains; that Vessey presented 195 cases, and now, of those, we have 120 whose fates have been determined.

We now have our own U.S. military on the ground and the MIA task force that is going into villages actually able to dig into the grounds where there have been the last sightings to pursue remains. I have been told that we have in the U.S. military one who has an unlimited pass to go into the archival information.

These have been important steps. Are they the only steps? Oh, no, no. Has what has happened in the last 5 years been enough? The answer is no. We want a full and complete accounting.

But the Vietnamese tell us if you give in the economic area, you will get even more cooperation, information, access, and accounting.

Well, should we trust the Vietnamese, I ask? Well, I do not think this is about trust. I think it is about a testing, a testing of the Vietnamese. If they say they will give more, then I believe we should test it.

Let us not kid ourselves. Vietnam is a very, very nasty place. It is still a totalitarian regime. It still has considerable human rights abuses. I think we all know that there has been a crack-down on freedom of speech, that there has been an imprisonment of non-violent dissenters and religious dissenters. We know there have been other abuses relating to children and women. So we know that Vietnam is no garden of paradise.

As to our MIA's, I really do not know if any MIA's are alive. But I do believe that the Vietnamese know more than they are telling and I do believe that the Vietnamese could do more than they are doing now.

Are any alive? Well, I do not know. But I do know and I do believe that there is more information in the field. I believe that there is more information in the files. I do believe that there is more information in the archives. And I also do not want to abandon those MIA's who are missing or their families.

I was mesmerized by a book by Mary Stevens called "Kiss the Boys Good-bye" in which she delineated the possibilities of even more findings in Vietnam.

I know the work, the hard work, of the POW-MIA Committee—Chairman KERRY, JOHN MCCAIN, CHUCK GRASSLEY,

BOB SMITH, TOM DASCHLE, NANCY KASSEBAUM. It is a rollcall of honor in the way they did such due diligence on that committee.

But now I think we are not talking about goals. We all agree on the goals. There needs to be an ongoing, continued, unrelenting pursuit for a full and complete accounting.

But what we are debating here is about means and about means to be achieved in a timely way. So I have come to the conclusion that it is time to roll the dice, to test the Vietnamese, to challenge them to step up, but at the same time as we challenge them, that we let them know we are not capitulating to them.

Why am I willing to lift the embargo? I am willing to lift it because this is not the final step in our relationship with Vietnam. It is only a tool right now. Right now, the Vietnamese want normalization. They want a full diplomatic relationship. They will probably want MFN. I am sure they are going to want to be in GATT.

By lifting the embargo, we give this a chance. We give this a test, even though we do not have trust. We can issue a challenge to put up, even though we do not capitulate, nor do we abandon our MIA's.

And if they fail to do more, to tell more, to cooperate more, we in Congress can block any further steps towards normalization, diplomatic relationships, MFN or membership in the GATT, all those things that they want.

There is a struggle going on in Vietnam between the old guard and the new guard, and 60 percent of the population in Vietnam is under the age of 24. They were born after the Vietnam war came to a close.

The time now, I think, is not to punish this new generation for the sins of their fathers. We need to see if this new guard will cooperate with us in a way that the old guard has not.

So let us give it a try. Yes, let us gamble. I will always continue to stand with those MIA families, with our Vietnam vets. But let me say I want to stand with the Vietnam vets and the U.S. Congress who call for the lifting of the embargo. I believe we could lift the bamboo curtain to find out that which has been hidden and held secret for more than 25 years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. I wonder, Mr. President, if the chairman of the Foreign Relations Committee is waiting to speak?

Mr. PELL. I have spoken. Thank you.

Mr. MURKOWSKI. I must have stepped out.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I want to join with my distinguished colleagues on both sides of this issue who have a genuine commitment to the highest obligation of government, and

that is the issue of full accountability for American servicemen who are unaccounted for from the Vietnam war.

I would also like to advise my colleagues, some of whom have come into the Senate in the last few years, that I am no stranger to this particular issue. Back in 1986, as chairman of the Veterans' Affairs Committee, I held extensive hearings on the matter of MIA/POW full accountability and encouraged extended testimony, which the record in the Veterans Affairs Committee supports. As part of those hearings, I worked with the League of Missing Families and other veterans' organizations in an effort to collect as much information as possible on the issue of POWs/MIAs from the Vietnam war.

Mr. President, I cannot tell you the anguish that Senator Cranston and I had—at that time, we were in the majority and Senator Cranston was the ranking member of that committee—as day by day we hoped that we would receive some firsthand information on charges that American soldiers were left behind at the end of the war and were being held against their will in Vietnamese prisons.

At the hearings, we had situations where witnesses would come in and testify that they had access to films showing Americans in prison camps, chained together in gold mines, even. They also testified that there was some kind of subterfuge, some type of CIA plot to withhold this information from the American people. It was agonizing.

The reason I go into this is to suggest to you that many of those who have spoken today on this subject have been thinking about this issue for quite some time. Of course, those who served as prisoners of war in Vietnam such as my colleague Senator MCCAIN have a very special message. And my friend from New Hampshire also has a point of view based on his service in Vietnam and his examination of the record, and I think his viewpoint deserves consideration.

But I ask all of my colleagues, as we discuss this issue today, to recognize that we are also discussing the conscience of America with regard to the Vietnam war. It was a time that was very unpleasant in the memories of Americans who were of that era. It is also, if you will, a debate on the outcome of that war, which is not a very pleasant matter to reflect upon.

But this is also a debate about the future. I also ask my colleagues to recognize that there is a new generation both in America and in Vietnam who were not even born when this war was fought. It is a new era. It is a new generation. I was particularly moved by the comments of the Senator from Maryland, who reminded us that the average age of the 72 million people in Vietnam is 24 years old.

I also think that we have to face reality in this discussion. The reality that while 2,238 American soldiers remain unaccounted for today in Vietnam, we have made substantial

progress because in 1973 that figure was 2,583. To put this figure in further perspective, in the Korean war those unaccounted for total 8,177; in World War II, 78,794; in World War I, 1,648.

The fullest possible accounting for our POW/MIA's is the Nation's highest obligation. I think this is one aspect of U.S. policy that all of my colleagues would agree with. But the embargo, the sanctions, have proven to be counterproductive to that goal. The American presence which we have had in Vietnam, with the presence of the MIA task force, as well—and this is not generally known, Mr. President—as well as the presence of three State Department personnel in Hanoi who are assisting the visits of Americans to Vietnam—have given us the ability to communicate in ways that were not possible when we completely isolated Vietnam. And with this communication has come additional information related to resolving POW/MIA cases.

I am not satisfied with our progress in obtaining the fullest possible accounting. But I believe that further progress is now inhibited by the continued isolationist policies of the past. Is it not ironic as we debate here in this Chamber on the merits of most-favored-nation status for China that we talk of continuing an isolationist policy against Vietnam? The logic of most-favored-nation status for China is that we want to maintain communications with the Chinese so that we can bring about change, so that we can bring about advancements in human rights. But for some reason or another, we do not apply this same logic to Vietnam even though we do want to bring about change in Vietnam. We want to bring about human rights improvements. We want to bring about democracy. And we want to bring about the fullest possible accounting for servicemen still unaccounted for in Vietnam.

United States ability to exert leverage on Vietnamese leaders to meet our demands, in my opinion, has diminished because other countries are not standing still. They are moving into Vietnam. They have established diplomatic and trading relations. As a matter of fact, 120 countries have normal relations with Vietnam, including all our former allies during the war.

The question we have to ask is, will we make more progress if there is more access? And the answer is clearly yes. The evidence proves that point. We had an isolationist policy for 19 years. Then, 3 years ago, we began to take small steps to end that isolation. Now we are talking about finally changing that isolationist approach. I would venture to say we have been on that tack long enough. As we have established a presence, we have made more progress in what our obligation is, and that is full accountability.

I was in the military between 1955 and 1957, between the Korean and Vietnamese wars. I was in the U.S. Coast Guard, so I do not speak as a prisoner

of war or one who fought during that war. But again, my commitment as chairman of the Veterans' Committee in holding hearings on this issue in 1986 has given me a unique sensitivity of the obligation that we have the families whose loved ones were lost during the war. We have a responsibility to ease the suffering of these families by obtaining the fullest possible accounting, and not losing sight of that goal.

I was in Vietnam in 1986. I was fortunate enough to bring back with me two children who had not seen their mother for approximately 6 years. It was a very moving experience. I was in Vietnam again in December of this year. I cannot tell you the change that has occurred in that country. The contrast between the circumstances at the time that I held hearings in 1986 and what has happened today is remarkable. In 1986, we had no firsthand information because we had no access, no communication, no presence in Vietnam. The situation was of grave concern to me and Senator Cranston and to the League of Families and others who participated.

Then, in 1991, General Vessey was sent to Vietnam by George Bush to begin a formal process with the Vietnamese to resolve the fates of American servicemen. My colleagues have articulated the progress that has occurred since the Vessey mission.

You will also recall that during the Bush administration we had the roadmap toward normalization of relations with Vietnam. We laid down certain terms and conditions that the Vietnamese had to meet before the President would improve relations. The conditions included withdrawal from Cambodia, recognition of human rights, of course full accountability for the fates of American servicemen.

Then, somewhere along the way we changed the goal post. On Cambodia, for example, we said first, that they must withdraw from Cambodia. Then we said, no, no, Vietnamese, we want you to use your influence in Cambodia. But even with changed goal posts, the Vietnamese met, for the most part, the requirements that we set down. And we make no apologies for that.

At the time the roadmap was initiated, we had a policy of no communication, no presence. We could not travel to crash sites. We could not interview Vietnamese citizens and officials. Americans could not spend over \$100 in Vietnam. It was against the law.

But that situation changed as we increased contacts with the Vietnamese. United States personnel now have access to the Vietnamese Government's military archives and to its prisons. U.S. personnel in Hanoi now travel freely to the crash sites and interview Vietnamese citizens and officials.

So we have had positive progress and positive cooperation in the last 3 years and that is a direct result of increased access in Vietnam: General Vessey's mission, the Joint Task Force Full Accounting Office in Hanoi, the unofficial

presence of our State Department, and the presence of U.S. business personnel and tourists traveling in the country.

The more access Americans have in Vietnam, be it diplomatic, commercial, journalistic, academic, or humanitarian, the stronger the links between America and Vietnam will become, the more open the Vietnamese society will become, and the more likely we are to finally address the issue of full accountability.

Full accountability is something that is a bit in the eyes of the beholder because we will never be able to fully account for all the 2,238 that we list as unaccounted for. Obviously, some were lost at sea, some were lost in fires. That does not relieve us of the obligation of fullest possible accounting, it simply means reality dictates that we may not account for every single POW/MIA case.

That leads me to reflect on where we are today in this discussion. If now is not the time to lift the embargo, when is? When are we going to be able to stand here objectively and say that we have achieved full accountability? Does that mean that we will not relax the sanctions against Vietnam until we have been able to account for every one of the 2,238? I would like to stand here and say yes, that is correct, Mr. President, but reality dictates that we will never be able to fully account for every serviceman classified as POW/MIA.

But we do have a process going on to resolve every case possible, and it is a process that I think more Americans should appreciate and understand.

I know Senator MCCAIN, Senator KERRY, Senator SMITH and others have seen the accounting process. The point that I want to communicate is that this interaction that we have established with the Vietnamese is resulting in uncovering additional information. And as the Vietnamese society opens up to a U.S. presence, there is no point, there is no rationale, to conceal information.

The last trip I made to Vietnam convinced me that the time has come to use engagement, if you will, and not isolation, to fully resolve the fates of missing Americans. Two impressions stuck in my mind from that trip: One is the tremendous dedication of the Joint Task Force Full Accounting that is in Hanoi. The progress that I was referring to earlier is the result of the hard work of the task force. They have reduced the number of incidents to be investigated from 1,116 to 119. This systematic process involves following up on information, for example, that someone was seen shot down parachuting 20 years ago. A task force goes out in the field, they go to the villages, they interview witnesses. They take that case and continue to work on it until they either have identified remains or other evidence of the fate of the serviceman, or until they have exhausted leads. It is such an impressive process that I urge all my colleagues to read the reports of the joint task force.

The Joint Task Force also has resolved a number of the high priority, discrepancy cases. The number of discrepancy cases has decreased from 196 to less than 80.

I note also Mr. President, most of these people that make up these teams are Vietnam veterans. If there is any group that has a greater motivation, I do not know who it is.

The joint task force also has reviewed a tremendous number of archival documents: 23,000 pieces have been examined. Further, the joint task force has presented findings to the families of the POW/MIA's: 5,614 notifications to approximately 900 families.

I was particularly moved by the statement of Lieutenant Colonel Flanagan, the deputy commander of the joint task force, who told me: "More Americans need to come over here and see how it really is and then go back and tell other Americans about the progress and the cooperation that is occurring here."

I agree with the Colonel. Therefore, I plan to propose to this body that we take the families of our MIA's, at the Government's expense and using Government transportation, to Hanoi to meet with this team so that they can see for themselves what is being done to obtain the fullest possible accounting for their loved ones. It will truly be, I think, a worthwhile experience. I know that there have been efforts made in this regard. Perhaps those efforts should be formalized. I hope that I can count on my colleagues in that regard.

The second impression that sticks in my mind from my recent visit to Vietnam is the increased cooperation from the Vietnamese. Every Vietnamese I talked to, from high-ranking Government officials in the country to reporters on the streets, were committed to fully cooperating with the Americans to resolve the fates of American servicemen still unaccounted for.

I think that many of my colleagues who visited Vietnam over the last several months would agree that they witnessed a true sense of cooperation. That does not mean that we have to be satisfied with whether the Vietnamese cooperated in the past. They did not. The question is, are they cooperating now? I think that the cooperation is real and that it will continue. I truly believe that cooperation and progress would be increased if the sanctions were lifted and the relationship could grow.

The cooperation that I witnessed, as I said, has produced results. According to the joint task force briefing, 67 sets of remains were returned from Vietnam in 1993. That is double the number in the previous year and overall the third highest level returned since the war ended. In addition, recently completed trilateral investigations on the Laos border were the first of their kind, and it was the Vietnamese who pushed Laos to cooperate with the Americans.

My recent trip also confirmed reports of Vietnam's changing society. In my meetings with various officials in the Vietnamese Government, I was struck by their strong commitment to an open-market economy. They have looked at what happened to Russia and to North Korea, and they have turned towards an open-market economy. This is an extraordinary thing. In addition, the Vietnamese are a very energetic and well-educated people. Many of them speak English and they are able to feed themselves. They have made significant progress.

Mr. KERRY. Mr. President, I ask if I can interrupt for a moment?

Mr. MURKOWSKI. I defer without losing my right to the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. KERRY. I thank the distinguished Senator. I merely do so because I would like to propound a unanimous consent request which will help colleagues to make considerably better choices for the evening.

I ask unanimous consent that there be 2 hours remaining for debate on the Vietnam issue for tonight, to be equally divided between Senators KERRY and SMITH; and that immediately following the entering of the agreement, the two pending amendments numbered 1262 and 1263 be laid aside in order for Senator SMITH to be recognized to offer his amendment dealing with the same subject; and that no amendments be in order to the Smith amendment or further amendments be in order to the McCain amendment.

I also ask unanimous consent that at 9:15 a.m. on Thursday, January 27, the Senate resume S. 1281 and proceed to 45 minutes of debate equally divided between Senators KERRY and SMITH; and that at 10 a.m., a vote occur first on the KERRY amendment No. 1263, to be followed immediately by a vote on the Smith amendment, to be followed by a vote on the McCain amendment, as amended, if amended, all without any intervening action or debate.

Finally, I ask unanimous consent that the first vote be limited to 15 minutes in length, the second vote limited to 10 minutes in length.

The PRESIDING OFFICER. Is there any objection to the unanimous consent request of the Senator from Massachusetts, Mr. KERRY?

Without objection, it is so ordered.

Mr. KERRY. On behalf of the majority leader, I am able to announce that there will be no further rollcall votes tonight.

I thank the distinguished Senator from Alaska.

Mr. MURKOWSKI. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I believe the Senator from Alaska has the floor and I in-

tend to continue to speak for about 10 minutes more.

Mr. KERRY. Mr. President, I ask unanimous consent that the Senator complete his remarks and the unanimous consent agreement take effect at the conclusion of the remarks of the Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized for 10 minutes.

Mr. MURKOWSKI. Mr. President, lifting the embargo clearly does not take away the leverage tools we have. Restrictions on military items and other high-technical items remain in place. Most-favored-nation status is not granted. Normal diplomatic relations are not resumed. Moreover, the President has the flexibility to reimpose restrictions. But it does do what we want it to do and that is to give us an increased American presence. Leverage comes from engagement, not isolation.

Further, lifting the embargo will serve mutually compatible goals.

As I said in the beginning of my statement, the goal of this amendment is to help the families obtain the fullest possible accountability. The amendment strives to move relations with Vietnam in a positive direction so that we can resolve the accountability issue for the families' benefit, for their loved ones, for their children. And we need to speed up the process, Mr. President, because we have been on this track for 20 years. How do we get beyond it? The progress that we have achieved through limited access speaks for itself.

This amendment also serves the goal of promoting free markets, democracy, and human rights through communication, access, and presence.

Lastly, this amendment serves the goal of increasing U.S. competitiveness through trade and commerce. Some have mentioned a rather delicate issue, that some supporters of this amendment want the amendment so that we can go drill oil. That is a ridiculous remark, with absolutely no foundation and, very frankly, I resent the implications associated with that, because it is not factual.

What is factual is that from a trade standpoint, the sanctions that we have imposed now simply hurt the United States rather than Vietnam because other countries are doing business in Vietnam.

Our embargo no longer deprives the Vietnamese of goods and services. It only deprives Vietnam of American goods and services. When our President is talking about creating new jobs, it makes little sense to keep America out of promising markets when our isolationist policy does not move us closer to full accountability. Allowing Americans to have a presence there will increase the process and the timeframe on the issue of accountability.

So I think we have to keep this issue in focus. It is a humanitarian obliga-

tion of this body to address the lifting of the sanctions.

Last year, I introduced legislation to lift the most restrictive aspects of this trade embargo. I have asked the Banking Committee to hold hearings on my bill. I have also communicated with Senator ROBB, chairman of the East Asian Subcommittee of the Foreign Relations Committee, asking him to hold oversight hearings on United States policy towards Vietnam. He has indicated he will do so.

So, Mr. President, I urge our colleagues to pass this resolution today so that we can send a clear signal to the President that the time has come to lift the trade embargo. I commend the previous administration, President Bush, for initiating the first opening by saying American firms could open offices in Vietnam, but not do business. I also commend President Clinton for allowing United States firms to participate in development projects in Vietnam that are financed by international financial institutions.

Mr. President, in conclusion, I ask each of my colleagues to reflect on the question I asked earlier in my statement: If not now, when? When are we going to be satisfied as to what constitutes full accountability? It is a subjective argument because, as I have indicated, 2,238 are currently unaccounted for in Vietnam vis-a-vis 8,177 in Korea, 78,794 in World War II and 1,648 in World War I. We have to recognize the harsh reality and the unfortunate fact that we will never be able to account for all of our missing. But, we must continue to try by the best method. The isolationist approach we took for 19 years did not result in what we all want to have happen, and that is full accountability. The changes over the last 3 years have resulted in a small U.S. presence. The presence of the Joint Task Force in Hanoi has accelerated the process. The Vietnamese are now working in concert with us, maybe not to our full satisfaction, but substantially better than we had before.

So again, Mr. President, I think this is the time. If we are back here in 6 months or back here in a year debating the same issue of whether we are satisfied with the cooperation or whether we are satisfied with the status of accountability, we are still going to have to address the same issues. In the meantime, we run the risk of the Vietnamese deciding that they will no longer cooperate to the degree that they have been if the message that they take from this debate is that we do not feel they are cooperating. A loss of cooperation will only hurt the process of accountability.

So I would implore my colleagues to reflect on the reality of what this debate means for further progress. I have the utmost respect for the opinion of my colleagues who served in Vietnam, who were prisoners of war in Vietnam. They know better than any one of us the anguish that goes into a decision to

support the pending resolution to initiate a relationship with and a presence in Vietnam. But I have made up my mind that the amendment, which urges the President to eliminate the trade sanctions against Vietnam, does not lose sight of the highest obligation of Government, and that is the full accountability of those who have made the supreme sacrifice for their country.

I really believe that this is the appropriate time and the appropriate method for meeting our humanitarian obligation to follow the best possible course for lessening the anguish of those families who have not received answers about the fate of their loved ones.

I encourage my colleagues to support the amendment and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska yields the floor. Who yields time?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. SMITH] is recognized.

AMENDMENT NO. 1265

Mr. SMITH. Mr. President, under the terms of the unanimous consent agreement, I send an amendment to the desk on behalf of myself, Senator DOLE, Senator GRASSLEY, Senator D'AMATO, Senator CAMPBELL, and Senator HELMS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. DOLE, Mr. GRASSLEY, Mr. D'AMATO, Mr. CAMPBELL, and Mr. HELMS, proposes an amendment numbered 1265:

AMENDMENT NO. 1266

On page 179, after line 6, insert the following new section:

SEC. 174. LIFTING OF SANCTIONS ON SOCIALIST REPUBLIC OF VIETNAM CONTINGENT UPON POW/MIA PROGRESS.

(a) LIFTING OF SANCTIONS.—The prohibitions, restrictions, conditions, and limitations on transactions involving commercial sale of any good or technology to the Socialist Republic of Vietnam, or involving the importation into the United States of goods or services of Vietnamese origin, in effect as of January 25, 1994 under the Act of October 6, 1917 (40 Stat. 411 et seq.) as amended shall remain in effect until thirty days after the President determines and reports in writing to the Senate and the House of Representatives that the Socialist Republic of Vietnam has provided the United States with the fullest possible unilateral resolution of all cases or reports of unaccounted for U.S. personnel lost or captured in Vietnam, Laos, or Cambodia for which officials of the Socialist Republic of Vietnam can be reasonably expected to have in their possession additional information or remains that could lead to the fullest possible accounting of said U.S. personnel based on U.S. intelligence and investigative reports, analyses, and assessments obtained or conducted prior to January 25, 1994.

(b) CONSULTATION.—It is the sense of the Senate that the President should consult with Congress, POW/MIA family representatives and national veterans organizations to the maximum extent possible prior to making determinations under subsection (a).

(c) NONDELEGATION.—The authority of the President to make the determinations and report to which subsection (a) refers may not be delegated.

(d) DEFINITIONS.—For purposes of subsection (a)—

(1) the phrase "cases of unaccounted for U.S. personnel" means cases involving United States personnel originally listed by the United States as prisoners of war, missing in action, or killed in action/body not recovered following their wartime loss incidents in Vietnam, Laos, or Cambodia; and

(2) the phrase "accounting" means the return of unaccounted for U.S. personnel alive, repatriation of their remains, or convincing evidence as to why neither is possible."

Mr. SMITH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH. Mr. President, thank you.

Mr. President, just a couple of quick points in response to a couple of speakers before going into the remarks on my amendment.

Some are making the debate that it seems as if the person with the most medals from the Vietnam war—for example, General Vessey or Admiral Larson or others—are the best qualified people to tell us what our policy in Vietnam should be.

I reject that argument. Although all of those people have great credibility, we have thousands of members of the DAV, and their organization, which I shall point out very shortly in my remarks, is opposed to this amendment to the Kerry amendment, and they have their medals. Also, many of them lost limbs in the war and obviously have been injured.

So I do not think having a medal or having a great, illustrious military career which is fantastic is the criteria we ought to use to judge as to whether or not the Vietnamese are making the full accounting that we are asking for.

So with all due respect to those gentlemen named, I think there are many, many people who have worked the issue for a number of years, some of whom have military backgrounds, some of whom have not, some of whom worked in our intelligence community for 25 years on this issue who have not served in the military. Although that is very impressive, that is not the only necessary criteria to judge as to whether or not we are receiving the full cost accounting.

I also want to respond briefly to something Senator MKULSKI mentioned. I am sorry she is not here on the floor at this time. But, she brought up a very good point. It is something I want to respond to.

I have spent the past several months in debate on this. I spent a lot of time during the select committee hearings. Apparently I just did not seem to get the message out in a clear manner to try to have the American people and many who discuss this issue understand why it is that we have not nar-

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rowed down this list of so-called discrepancy cases in a complete fashion.

There are 2,238 MIA's. Approximately half of those people are listed as killed in action according to our records, and the other half are listed as missing in action or POW's.

The interesting thing is that the discrepancy cases were referred to as if somehow we have taken 160 or 170 of these cases and narrowed them down to 35 or 40 based on the best information that we have at our disposal. But on the 1,100 people out there who are listed as missing in action, in some cases we have no information at all, in some cases we have a lot of information. We have some information that they survived their crash, and in other cases we do not have any information at all. So there are all kinds. In some cases we even have them listed as killed in action.

But let me make a point here. The last time I was in Vietnam, the Vietnamese presented to me the name of an individual whom we had listed as killed in action. They said to me, "We had this man as a prisoner." I said, "Where are his remains, or do you have him alive?" They offered neither. They also offered no reason, no explanation as to why they could provide neither. So here is a man we have listed as killed in action based on the best information we have. He probably disappeared on the battlefield and we did not have any more specific information. The Vietnamese tell me in their own words that they captured him, but they do not tell me what happened to him.

You see, when you use discrepancy cases and you narrow this down on the basis of discrepancy cases, that is simply inaccurate. It is not the valid justification for saying that we have this total cooperation. Is it part of it? Yes. It is a very important part of it. Discrepancy cases are very important. They are the best cases we have. They are the kind of people I talked about who were filmed and used in propaganda. They are people where we had good solid clues that they survived their incident and they were captured. They are good cases. They are some of the best cases. But they are not the only cases.

You cannot take the 1,100 people—indeed the whole 2,200, especially the 1,100 we do not have any information on—you cannot simply say because we do not have information that the Vietnamese do not have any information. That is a terrible conclusion. It is an irresponsible conclusion today.

That is exactly the fault of the policy that we have gone through for months and years with the Vietnamese. When we come in and say to the Vietnamese, we have 100 discrepancy cases or 110, what we have told them is the other 1,000 people in the category of MIA, we are not interested in them. We are not interested in those people. We are interested here. Here is what we have discrepancies on. If they have someone missing, or they have knowledge of

somebody on the other list, what is the incentive?

So I would like to just make those points because they have been made erroneously in the debate. I think it is important that everyone understand that there are 2,238 people missing. Approximately half of those, 1,100, are listed as killed in action by our information, and 1,100 of them are listed as POW/MIA by our information, or we have no information as to what happened to them. Some of those people in that 1,100 are the discrepancy cases. But you cannot say that, because the Vietnamese resolved a number of the discrepancy cases, they do not have information on the others in that 1,100 category.

I have said this until I am blue in the face. I do not know how many times in the debates, public and private. And it still seems to be out there that somehow all of the cases are resolved except these discrepancy cases. That is nonsense. It is a fault in our policy. It is a vehement disagreement that I have with General Vessey in the way that he has addressed this issue. It is simply inaccurate, and you basically have done the job for the Vietnamese by saying, OK, the other 1,000 people, we do not care about them. Here is what we are interested in, these discrepancy cases, because we have information that they survived. I am interested in the information that the Vietnamese have on whether they survived.

If you will recall, when the men came home in 1973—the homecoming—one man came home who was listed as killed in action. He came back as a prisoner. So our reporting and our information is not 100 percent accurate.

Mr. MURKOWSKI. I am curious to know why the Senator from New Hampshire would have reason to believe that the process of full accountability and the resolution of discrepancies in evidence—which the Senator from Alaska admits exist—would necessarily cease.

Is there any reason to believe that progress would not continue and, in fact, lead to a greater degree of satisfaction to the questions the Senator is legitimately bringing up?

Mr. SMITH. Mr. President, I addressed it previously, and I will also in my upcoming remarks. But the issue is that we have no assurance. If we do not hold the Vietnamese to accounting—the policy in the past 20 years has been, on a humanitarian basis; that the Vietnamese should provide us unilaterally this information, which we believe they have. If we do not, we should not lift the embargo. That has been our policy.

My point is that this amendment is a departure from that policy. If they suddenly open up the archives and provide us the answers, I would be the first to congratulate them. We certainly would not have any leverage; that is my point. If we do it, we will have no leverage.

Mr. MURKOWSKI. The reality is, Mr. President, what presence do we have there now? We would have an increased presence, and we have seen an increase in our own satisfaction with regard to advancements that have been made because of increased cooperation. So one can make the conclusion that indeed increased presence would very likely lead to increased cooperation.

I think the Senator from New Hampshire is entitled to his opinion, and the Senator from Alaska maintains, on the basis of his experience, that the best way to get this issue behind us is through access. That is why I am part of the group supporting the formulation of the Kerry, McCain amendment.

Mr. SMITH. If that were the case, we probably should have done it in 1973. Maybe we should have done it to North Korea, lift that embargo.

Mr. MURKOWSKI. We could argue the merits of most-favored-nation status for China if you want to argue a parallel thing.

Mr. SMITH. I respectfully disagree with the Senator on that. No President to date has taken that position, and the League of Families and other family members, and the veterans organizations disagree with that assessment. I think we have some type of a moral obligation to listen to them ahead of business interests and at least give it more time to work.

I think that the progress we have made over the past 20 years—and there has not been much of it—has been because we have held firm. But that is another issue.

Mr. MURKOWSKI. I differ with my colleague. Advancement has been made as a consequence of the U.S. presence there, and the record will support that.

Mr. SMITH. Mr. President, I am pleased to join with the distinguished Republican leader and my colleagues, Senators GRASSLEY, D'AMATO, HELMS, and CAMPBELL in offering this amendment.

This amendment, as you know, concerns the status of our relationship with Vietnam and the impact the POW issue should have on how that relationship will develop in the coming months. The amendment makes it clear that the lifting of the trade embargo against Vietnam should be contingent upon the President being confident that Vietnam has made the maximum unilateral effort to provide information already in their possession on missing U.S. personnel from Southeast Asia.

That is not an unreasonable amendment. That is a very reasonable amendment. Certainly, upon that certification by the President, who has access to the records of our intelligence community, I think that is a reasonable amendment, which is why I am pleased to offer it.

I point out on a parliamentary basis here that to vote for the Kerry amendment or the McCain amendment, whichever it happens to be, basically says to the President: Lift the embar-

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go. We trust the Vietnamese to come forth and come clean with the rest of the information, which most of us admit that they have.

My amendment says let the President certify that, and if he does certify that with his intelligence community, after consultation with the veterans groups and the League of Families and other family members, if they feel that time has come, then move on and let us go. But the key phrase is "fully forthcoming"; not every bit of information they can give, but what is fully forthcoming.

There has been a lot of talk in Washington that the administration is now on the fast-track to lift the trade embargo against Vietnam; that is no secret, and I think that is true. I have had conversations with the White House. They have never denied that there is interest and debate going on in the White House to lift the embargo. The White House told me as recently as January 7 that no decision has been made on the matter and no decision is expected anytime soon.

It is obvious, though, based on comments by senior administration officials, both named and unnamed, that this matter is currently being considered by the President's national security team and his economic advisers. I have been around this town long enough to know what the signals are, from meetings taking place in the White House and the comments that have been coming out of there, that obviously this is on the fast track. I know many of the same players, ironically, in the Bush administration, who pushed for lifting the embargo, are still there in the Clinton administration. It is amazing how other people can lose their jobs when one administration changes to another, but all the people working this issue seemed to have stayed the same.

Every one of my colleagues knows by now that I have one overriding concern on the matter of our relationship with Vietnam; that is, the issue of the POW's and MIA's never accounted for following the end of that very divisive conflict 20 years ago. I will state up front that I join many in this body in looking forward to the day when the United States and Vietnam have fully normalized relations, diplomatically and economically. I wish it were today, but it should not be today. I know a few veterans in this country who do not feel likewise.

I served during the Vietnam conflict, not with the distinction of many of my distinguished colleagues here on both sides of this debate who have served in Vietnam, such as Senators ROBB; BOB KERREY; JOHN KERRY; PRESSLER; AND MCCAIN, of course, a POW; and HANK BROWN. And there are others. I am certain that all of us want to heal those wounds of war. This is not a personal matter with any of those Senators. I respect them all, but I believe all of us want to do it in an honorable way.

The question is: What is the honorable way to do this? What is the honorable route? That is the purpose of the amendment that I am offering today, to make clear that our intent is to ensure that the United States is indeed receiving all relevant POW/MIA information that Vietnam has the capacity to provide.

Some on this debate will try to say I am asking for a full accounting. That is impossible. I am not. I do not expect the Vietnamese to provide the remains from the bottom of the South China Sea, but what they can fully provide now, unilaterally. This is the overriding concern, not just of the Senator from New Hampshire and many others in this body, but it is the concern of every single family member of the servicemen still unaccounted for. It is a concern of every national veterans organization in this country.

I think they ought to have a spokesman here tonight, and they do. I am going to let you hear from them in my words. The last few weeks while we were on break, each of these national veterans organizations, in addition to the POW/MIA families, expressed their concerns directly to the President on this issue—directly.

I will take a moment now to enter into the RECORD the statements and positions of our Nation's veterans and family members, for they are worried that some in this Chamber have not been made aware of their positions.

The American Legion comprises 3.1 million members. They told the President that they are opposed to lifting the trade embargo against Vietnam until the POW/MIA issue has been addressed to their satisfaction. They have passed resolutions to that effect. As a matter of fact, they contacted every single Legion post in America in every State. The national commander of the American Legion sent a personal letter to every single Senator on January 6 explaining in detail why they believe more progress can and should be made on the POW/MIA issue before we remove our trade embargo. Every Senator, I believe, has this letter.

The last sentence of that letter reads as follows:

The time is not right for such action (to lift the trade embargo)—Hanoi's illusory cooperation must be replaced by real, verifiable, tangible progress. In the strongest possible terms, Legionnaires from throughout the Nation join with me in asking you to keep faith with POW's and MIA's, their families and members of the active military services.

Those are the words of the American Legion. In a related press release, the national commander stated:

America's veterans aren't going to forgive, or forget about, the businesses that put their profit margins ahead of the interests of our POW's or their families.

I might add, Mr. President, that I am told that the American Legion has contacted, as I said, all 50 States, every post.

The Disabled American Veterans, comprised of 1.3 million members, has told the President:

We do not feel that the recent spate of cooperation (on the POW/MIA issue) justifies lifting the embargo or taking steps toward normalizing relations between our nations. As such, we stand firmly by our most recent convention resolution.

That is the DAV.

The Veterans of Foreign Wars, comprised of over 2.2 million members, has told the President, in a letter from their national commander dated January 7:

The level of cooperation necessary to warrant lifting the trade embargo is one that produces more than minimal results. We are not convinced that the results obtained to date warrant lifting the embargo. We, therefore, urge you to keep the embargo in place.

That is the VFW.

AMVETS, the Nation's fourth largest veterans organization, reiterated their position on January 11 stating:

Our primary concern is for the MIA families for whom every consideration must be made. We oppose normalizing relations with Vietnam until a full accounting is achieved. We recognize that the Vietnamese are cooperating, but progress must be measured by the degree of cooperation. To suddenly drop the embargo sends a signal that we've given up on ever achieving a full accounting of our people. This still should remain the highest national priority.

Finally, the president of Vietnam Veterans of America, the Nation's largest veterans organization comprised solely of veterans from the Vietnam war, has told the President in a letter dated January 7, 1994:

We recognize the seriousness of efforts such as the massive search that was launched yesterday, but these measures have produced far too little information to justify any conclusions. Your commitment to resolving the fate of the missing prior to opening diplomatic relations with Vietnam is much appreciated. We see lifting the trade embargo now, however, as a movement toward full recognition. Accounting for America's POW/MIA's and the whole question of steps toward normalization of relations with Vietnam is a painful issue for many wartime veterans. Some will never agree to reconciliation, and others hunger for it. In between are a great number of veterans who want to resolve both issues—the fate of our POW/MIA's and our relationship with Vietnam. For most Vietnam vets it is not a question of retribution but of resolution. We share a deep concern that lifting the trade embargo—and giving up whatever leverage is still left in it—will result in the abandonment of American POW/MIA's. Healing from war takes time, and the fullest possible accounting is part of that healing, and it is not complete. Until it is resolved, the embargo should stand and normalization should wait.

That is the stated position of the Vietnam Veterans of America.

Let me just take another organization that has a stake in this, perhaps more than the others I have mentioned.

The Nation's largest family organization of U.S. personnel missing from the Vietnam war expressed their view, most recently on January 7. Sue Scott, chairman of the board of the National

League of POW/MIA Families, stated in a press release:

If the Vietnamese want the embargo lifted now, U.S. evidence shows they can easily meet the President's criteria by providing remains and records being withheld. Vietnam's dismal record (on POW/MIA's) does not meet the President's criteria, pledges to the families, commitments to our nation's veterans or obligations to those who serve our country. We, the families, expect the President will adhere to principles and honor his word to the families that he will not move forward without POW/MIA criteria being met. The President would be well-served to ignore the wishful thinking, distortions of reality and omissions of fact being promoted by his bureaucracy. The families are tiring of being labeled as unrealistic or re-fighting the Vietnam war because we seek an end to our uncertainty which Hanoi can readily provide.

The National Alliance of Families, another organization with family members of POW's and MIA's, has also asked the President not to move forward with relaxing or lifting the embargo until Hanoi has taken additional steps to resolve the POW/MIA issue.

Mr. President, I presented the views of our Nation's veterans and the POW/MIA families. They are not my words. And I did not ask for them. They came to me.

Every one of these organizations are united in their belief that now is not the time to lift our embargo against Vietnam. And every one of them is united in their belief that Vietnam can and should be able to provide additional information on those still missing from the war, to include the fate of POW/MIA's who were lost or captured in Laos.

Now I know there are Senators in this body who disagree with the position of the Nation's veterans groups and the POW/MIA families. But I would be surprised if there was any Senator who would support warming our relations with Vietnam at this point if President Clinton, our Commander in Chief, felt that officials in Vietnam still had additional information in their possession that could lead to an accounting for United States personnel missing from the war. I know of no Senator who is prepared to answer that question here on the Senate floor today, and that is what brings us to this amendment.

These are the people that you just heard from who had the most at stake, and their feelings are more important than mine or any other Senator on this floor. They are more important than the President, and they are more important than the Vietnamese. They ought to be listened to. They ought to be adhered to.

They have spoken and have very clearly. I can tell you I have spoken to some of these people and the families and in the veterans communities. Many of them have traveled to Vietnam. There is not rancor toward the Vietnamese people. They just want an honest resolution. You cannot get one for certain if you lift the embargo now. You might get it lifted and hope you

might, and I will be the first one to congratulate those proponents if it happens.

It is a gamble. It is a roll of the dice, as Senator MURKOWSKI said. "I am willing to roll the dice."

I am not, and neither are the veterans groups or the families, and they are the ones who have the most at stake.

This amendment does not prejudice how the President may feel on whether Vietnam has been fully forthcoming on POW/MIA issues or what he may determine at some point in the future, or whether his view may be at odds with the Nation's veterans or the POW/MIA families, or indeed some Senators. Instead, the amendment before us simply states that if and when he may decide to move on the embargo question, we, in this body, will expect him to tell us that Vietnam has been fully forthcoming on outstanding POW/MIA issues. It is certainly reasonable, Mr. President, for the Congress, and indeed, the country to expect the President to make such a determination before taking further steps in our relationship with our former adversaries in Hanoi. That is not unreasonable. That is not a political position. There is nothing partisan about this.

There can be no confusion as to what this amendment states. I want to go through the amendment—it is simple and straightforward—and read by the clerk, and that is why I wanted it read.

And I would again stress that this amendment does not tell the President to lift the embargo against Vietnam, and it does not tell him to keep it in place. It simply tells him that the Congress wants to be assured that Vietnam has been fully forthcoming on POW/MIA issues before we move forward. And if the President feels he can make such a determination in the next month or so—this amendment lets him do it.

I hope my colleagues will agree that this determination should, in fact, be made by the President, after consultation with the U.S. intelligence community and others. He is the one in the final analysis that will be best positioned to make this determination. And I would hope and expect that the Senate Foreign Relations Committee would agree on this point, judging by the discussion and vote which took place on this matter at the committee level last September. I have the transcript of that discussion, and I would be happy to read from it if necessary—I think it is suffice to say that the Foreign Relations Committee rejected an attempt in the committee to lift the embargo in September because it did not want to tie the President's hands on the POW/MIA issue. Both Democrats and Republicans agreed by a majority vote in the committee to, and I quote from comments made by the ranking member at the time, to "let the President come to a decision, and then make our judgement if we are inclined to do so."

The Kerry amendment or the McCain amendment basically gives him direction. It says lift it and we will support you. That is the message that you are giving.

The language of the amendment now before us is consistent with the vote of the Foreign Relations Committee last September.

The most important part of this amendment is as follows—for the President to move forward in further relaxing or lifting our embargo against Vietnam, he must first tell the Congress, and I am paraphrasing here, that the Socialist Republic of Vietnam has provided the United States with the fullest possible unilateral resolution of all cases of unaccounted for United States personnel lost or captured in Vietnam, Laos, or Cambodia, for which officials of Vietnam can be reasonably expected to have in their possession additional information or remains that could lead to the fullest possible accounting of these missing United States personnel based on United States intelligence and investigative reports and analyses which have been gathered to date, including that gathered by Admiral Larson and General Needham.

And that should include, in my opinion, the President making a determination to Congress that Vietnam has satisfactorily addressed information such as that which came to light from the GRU intelligence archives of the former Soviet Union. Just this week, a year later, the Pentagon put out a very brief analysis of these documents from Moscow, but at least conceded that, and I quote, "We believe there is probably more information in Vietnamese party and military archives that could shed light on these documents."

Where is it? Why would we not insist on it?

The Pentagon said that Monday, Mr. President, and we obviously do not have that information from Vietnam yet. In fact, I do not even think we have asked for it in the last few months—so it is a bit premature to cast those documents aside—but again, it is up to the President to make that determination. And with all the problems our committee found last year with the handling of this issue by certain officials at the Pentagon over the years—not everyone, but many—it is incumbent upon us to ask the President to come to his own conclusion—under this amendment, that authority cannot be delegated down to the bureaucracy. The President will come to his own conclusion.

I want to, just as an aside, say here what a dramatic document that Russian document was. It alleged that 1,205 American prisoners were held when, in fact, only 600, roughly, were returned.

Finally, I hope that the President will make a determination before lifting the embargo that intelligence reports of alleged POW's kept back in Southeast Asia after the war now in

the possession of our intelligence community have, in fact, been fully investigated. Furthermore, he should make a determination that reports of remains and pertinent POW/MIA records being withheld by Vietnam and Laos have been fully investigated.

All of this is quite reasonable, Mr. President, and it is what the American people, particularly the Nation's veterans and the POW/MIA families would expect before we move forward with Vietnam. I would therefore hope that this amendment would receive strong bipartisan support from both sides of the aisle.

We are hearing that another amendment may be offered dealing with these issues, Mr. President, but let me be clear in stating my belief that the vote on this amendment will be seen across the country as the vote by which every Senator's commitment to the families of our Nation's veterans and POW's will be judged. That is what it will be. This is a judgment vote. This is a defining moment. It is a responsible amendment and it is consistent with everything the President has said to date on this issue and everything his predecessors have said and it is consistent with the position of our Nation's veterans and the families.

I did not come to the Senate floor today to propose an amendment to maintain the trade embargo against Vietnam until the United States obtained the fullest possible accounting for every last serviceman that is missing. Some have said that and will probably say it in the future. That is not why I am here. If you listen carefully, this amendment does not say that every unaccounted for American has to be accounted for before we lift the embargo against Vietnam. The Vietnamese cannot do that. It would have been wrong for me to propose such an amendment—obviously, obtaining the fullest possible accounting could take years, and there are some that will never be located.

Some of the missing were involved in overwater losses—some crashed in remote jungles or mountainsides where there were no enemy forcers to observe the loss and help us account for these individuals. I know that, and we do not hold the Vietnamese to account for those people. However, I would point out, as I have said several times before, that just because we do not have a clue as to the ultimate fate of the individual, does not mean the Vietnamese do not know what happened. In point of fact, on seven different occasions since the end of the war, the Vietnamese have actually repatriated the remains of servicemen involved in overwater losses—so they have certainly shown their capacity to have hard information on cases where one might logically think they would not have any information at all.

Again, our information; their information.

So just as I am not proposing keeping the embargo in place until every last

person is accounted for, it would likewise be wrong for other Senators to come to the floor to propose lifting the trade embargo against Vietnam right now because they have somehow determined that Vietnam has been fully forthcoming on all the POW/MIA cases for which Vietnam should have information. That would be a remarkable judgment for a Senator to stand up here and make. And it is one that I would certainly challenge on a case by case basis, and I am prepared to do it if necessary. In fact, I can assure my colleagues that I would protect my rights under the Senate rules and take as much time as I deemed necessary to counter any such claims. But the bottom line is, we can debate it all week long. Indeed we debated it all last year in the Select Committee on POW/MIA Affairs. And for every quote someone might read from our committee's report last year saying how great things are, I can find a sentence in the same report that will say just the opposite. That is the way committee reports are around here.

Mr. President, this amendment has been thought through carefully, and I hope my colleagues will appreciate that I am not here to try to block the United States from moving forward with Vietnam. I would hope we would, at some point soon, move forward with Vietnam. In fact, this amendment allows President Clinton to move forward with Vietnam, but it also gives him the flexibility to determine at what point and to what degree Vietnam has been fully forthcoming on POW/MIA matters before moving forward.

So let us not rush to judgment here on the Senate floor based on some recent code trip to Vietnam. Let us wait until the information gathered by the intelligence community to date in Southeast Asia and Moscow has been presented to the President, and let us wait to see the President's response.

I have been to Vietnam five times to discuss this issue and every time, I come away with the impression that more information could be unilaterally provided by the Vietnamese if they made the political decision to do so.

Others get a different view. But all of it is immaterial unless we are willing to take the time here on the Senate floor to go through every single one of the remaining 2,238 cases of unaccounted for Americans to see in which instances Vietnam could be reasonably expected to have additional information based on investigations to date.

Every one of those numbers has a family behind it. Every one of those numbers has a family behind it, Mr. President. These are not just statistics. I do not want to tell those families that we are now the best experts on their loved ones. I believe the President should make that decision. Although I consider myself an expert on a lot of them, I am not an expert on all of them. I do not think anybody, with all due respect, in this Senate has

spent more time than I have going through those cases one by one.

So I will close by reminding my colleagues of many of the things President Clinton and White House officials have stated to date on the POW/MIA issue and our relationship with Vietnam. And I am more attentive to comments from the White House on these matters, than I am with comments by low-level bureaucrats in the Departments of State and Defense or U.S. teams in the field in Southeast Asia who are often only knowledgeable on one piece of this complex issue where the President has the knowledge and the overview on all of it.

Most recently, on January 3, the White House press secretary was asked if the President was ready to move further in our relationship with Vietnam and the response was, and I quote, "As you know, the President has maintained that is contingent on progress on POW and MIA issues." And indeed, I remind my colleagues that the title of the pending amendment is "Lifting of Sanctions Against the Socialist Republic of Vietnam Contingent on POW/MIA Progress." So you cannot have an amendment that's more in sync with the position of the White House. And indeed, while our committee unanimously determined last year that this issue was not a priority during the last Democratic administration, it has been a consistent measure of whether our relationship improves with Vietnam since President Reagan took office, and it's been that way for the last 13 years, up to and including President Clinton.

Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. The Senator has 2 1/2 minutes remaining.

Mr. SMITH. Thank you, Mr. President.

On December 10, President Clinton stated in a letter to me that "I am deeply committed to resolving the cases of all personnel missing since the Vietnam war. For this reason, I have made achieving the fullest possible accounting for our POW/MIA's the test of our relationship with Vietnam. Like you, I seek an honorable resolution to this issue. I will not accept mere activity by Vietnam on POW/MIA issues as progress." Again, the President could not make it more clear, and I commend him for it. The test of whether or not we move forward with Vietnam depends on real and complete answers on the POW/MIA issue—not on how many crash site excavators Vietnam allows into their country and not on whether it would be profitable for American businesses to go to drill for oil.

On November 19, while at the APEC summit, the President stated that he, "could see Vietnam more integrated into the region's economic and political life after providing the fullest possible accounting of those Americans who did not return from the war there."

So can I. So can I, Mr. President.

On July 16, White House Deputy National Security Advisor Samuel Berger stated, "The President understands that while the processes underway in Vietnam on the POW/MIA issue are important—and I remind my colleagues not to be confused by the word process as some people in this body like to use it to measure POW/MIA progress, which is a little disingenuous:

The litmus tests here are concrete results and solid answers . . . the President has specifically rejected suggestions that he lift the trade embargo, partially or fully, even though that position disadvantages American business. This is not a commercial or diplomatic issue for the President; it is a moral one. . . Vietnamese efforts to date, while welcome, are not sufficient to warrant change in our trade embargo or further steps in U.S.-Vietnam relations. That is a very powerful and appropriate statement—

"This is not a commercial or diplomatic issue for the President—it is a moral one." And it is. Ask those families. Ask those veterans groups. It is a moral issue and we do not have the right to make that moral decision.

On July 2, the White House stated:

Our policy toward Vietnam must be driven not by commercial interests but by the overriding purpose of achieving further progress toward the fullest possible accounting of our POW/MIAs. . . Progress to date is simply not sufficient to warrant any change in our trade embargo or any further steps toward normalization.

And last April, at a White House news conference, the President stated that he was:

Much more heavily influenced by the families of the people whose lives were lost or whose lives remain in question than by the commercial interests and the other things which seem so compelling in this moment. I am just very interested by how the families feel.

Finally, just days after his election, then President-elect Clinton stated the following at a Veterans Day ceremony in Little Rock:

As I have pledged throughout my campaign, I will do my very best to make sure we have a final resolution of the POW/MIA issue. . . I have sent a clear message that there will be no normalization of relations with any nation that is at all suspected of withholding any information. We must have as full an accounting as is humanly possible.

That is the President. That is the policy. That's what this President believes and we ought to support it.

Now, Mr. President, I know during the break, a few of my colleagues went to Vietnam, as part of CODELS that were traveling in Asia. And while there, you received the standard briefings and you caught a glimpse of the process underway by which we are slowly obtaining relevant information that could lead to an accounting for some U.S. personnel, although we are mostly talking, in terms of the ongoing crash site excavations, about people we know died during the war, and indeed they were listed as killed in action/body not recovered. I am sure the Senators who went to Vietnam were also allowed to view another expensive side-show in which United States investiga-

tors are stationed at Vietnam's central museums—I have been there four times—where they are given information to review bit by bit, only a small percentage of which actually pertains to active POW/MIA cases. Most of it refers to people who already came home or are dead.

But, I would hope my colleagues who went to Vietnam would be able to separate in their minds, terms like "process" from "accounting," and "fate determined" from "tangible results," and "cooperation" from "fully forthcoming." And I hope they would not forget that more than 80 percent of the missing cases from Laos, where there has been extremely limited results, actually involve areas that were under North Vietnamese control during the war. And while we are slowly getting records, after years of requesting them, it is a slow process, and probably a painful, difficult, or embarrassing one for the Vietnamese.

Nonetheless, the Vietnamese should know that this is a process that they must go through for relations to improve with the United States. And I take strong exception to those who would hold up every document as it is now slowly turned over by Vietnam, 20 years later, and say, "look, here is the proof—Vietnamese officials are now fully cooperating and they have now told us everything they know about our POW's and MIA's." I recall one Senator a few months ago actually praised Vietnam for turning over a bag of letters addressed to missing servicemen from their families during the war which were never delivered to these guys sitting in their cells. Never even delivered. And they turned them over. That is progress? Vietnam gave these letters back to the United States in September and issued a press release saying "New MIA Documents Found." Are you telling me they did not know where those letters were? Give me a break. And then a Senator back here praised this step—as if it was going to somehow account for missing servicemen. I would say that the Vietnamese have definitely shown that their propaganda machine from the war is still in full throttle.

Mr. President, let me repeat, Vietnam has to be encouraged to go through the process of telling us everything they know—and this process is really only in the beginning stages. It has improved. It is only when we know they have gone through that process and coughed up everything we can reasonably expect they know about our POW's and MIA's, that we will be able to say to the families and our Nation's veterans that the Vietnamese have truly been fully forthcoming.

Then the wounds of war are healed. Then it is behind us. The Vietnamese should understand this and we should tell them that in no uncertain terms, as I have on many occasions.

I would also add that the process of getting the Vietnamese to open up their Ministry of Defense and Ministry

of Interior records at the state, provincial, and local levels will hardly be assisted by the Kodak Co. or Mobil Oil being allowed to do business in Hanoi or Ho Chi Minh City. Nonetheless, I have heard suggestions in the past from some in this body that by having Americans do business in Vietnam, they are somehow going to stumble into the top secret records, archives, and find additional information that could lead to an accounting for missing individuals. Just as if the Vietnamese send a person here, a businessman—say from Taiwan—he could just stumble into the Pentagon and find out our National secrets. Come on.

Let me take just a moment to remind my colleagues of some of these cases which remain open with the Vietnamese—and some of these are cases from both Laos and Vietnam—and this is only a representative sampling that I doubt Senators who just visited Vietnam were briefed on. I doubt Senators who just visited Vietnam were briefed on this. I would like to hear if they were briefed on this.

U.S. Air Force pilot Wallace Hynds was lost over North Vietnam on August 2, 1967. At the time of the incident, which involved an FR4C in Hay Tinh Province, he was presumed to be dead from the crash. In fact, he was declared "killed in action/body not recovered" and was listed that way at the end of the war in 1973. Today, Air Force pilot Hynds is still unaccounted for. Enter the next piece of the puzzle. In 1991, just 2 weeks before our Select Committee on POW/MIA Affairs was formed in the Senate, a United States investigator was allowed to make a visit to a Vietnamese military museum in Vinh, northern Vietnam. While at the museum, he located the military ID card and the blood chit which belonged to Wallace Hynds. Next to these items, in Vietnamese writing, it stated—"Military Identification Card and Blood Chit of Air Force Pilot Wallace G. Hynds, captured alive in Hay Tinh Province." That was the Vietnamese reference to this pilot—that he was captured alive.

We have him listed as killed in action/body not recovered. Vietnamese officials obviously know what happened to Wallace Hynds. How would they not know? They have his ID card in the museum. Of course they know what happened to him. Do you know where the ID card is? In your pocket in the uniform. They either had to kill him and take it out of there or they captured him alive and took it out. They know where he is. And our own Defense Department has acknowledged in a letter to me from June 1993, that, because of this discovery, this is now a priority case. Well, the Vietnamese did not know it was a priority case for the United States when I was there in July, because I had to bring it to their attention; after they gave me the list of names General Vessey had asked them to work on, and Wallace Hynds' name was not on it. The point here is that we still have not received any further in-

formation on this case from the Vietnamese, although they clearly know what happened. He was captured alive. So, if the Vietnamese were giving us excellent cooperation, bending over backwards, and being forthcoming with us, as some have claimed, why is not Admiral Larson and General Needham, instead of out here with shovels, why are they not in Hanoi asking where Wallace Hynds is?

That is what they ought to be doing. That is what they ought to be doing. That is my problem with the joint task force. They have their focus wrong and they have their priorities wrong.

Let me give you another example. Navy Commander Donald Richard Hubbs was listed as an over-water loss while flying aircraft over the North Vietnamese coast on March 17, 1968. I have been in touch with the family of Commander Hubbs. His daughter went to Vietnam last month seeking answers: Why does she have to go to seek answers? For 20 years they heard nothing—nothing. Then the daughter went to Vietnam. Now listen carefully to what I am saying.

She arrives in Hanoi and is told by U.S. investigators for the first time in 25 years that some of the aircraft's radar equipment had been recovered at the time of the incident by the United States. More importantly, she was given a copy of the Vietnamese graves registration list of U.S. personnel lost in Quang Binh Province which has her father's name on it. It turns out that while the U.S. Government had this information for over a year, it was never given to the family, even though the law said you have to give it to the family. She had to go to Vietnam herself.

When Commander Hubbs' daughter met with the Vietnamese experts on this issue at their foreign ministry last month, she was told Vietnam has no further information. If Commander Hubbs' name is on a Vietnamese graves registration list, they know where he was buried. General Needham, why do you not find Commander Hubbs? They obviously can account for Donald Hubbs. Yet, to date, they have not chosen to do so. And when the head of Vietnam's Communist Party, Mr. Do Muoi, sits there and tells me and other Senators, as he has in the past, that the POW/MIA families should come to Vietnam to witness the excellent cooperation first hand, I doubt he is referring to Donald Hubbs.

Frederick John Burns was a marine captured in South Vietnam on Christmas Day 1967. For 26 years, the family of this marine has waited for a final accounting of Fred Burns. Why? Because he was listed as "died in captivity" by the North Vietnamese on their own lists on January 27, 1973, the day the accords were signed.

General Vessey asked for an accounting of Fred Burns and was given a document which the Vietnamese say shows he died in captivity. It is signed by his prison commander. His remains,

however, were never returned, and he was in their prison.

Now we have a Vietnamese propaganda film showing Fred Burns and Bobby Garwood. He looked healthy. He was used for propaganda. No remains, nothing, no information.

The narration on the 1970 Communist film says:

Here is a recently captured American GI. His name is Frederick, and he's from New York. He says something which makes even our children laugh—"We Americans can't understand how you get the better of our forces"—sure he can't understand and he has read the slogan without catching the meaning—don't destroy children's schools—he and his like have destroyed many schools."

That was in the film. That is the propaganda, Mr. President. There was propaganda on both sides during the war; I know that. I am willing to put the war behind me, but that does not mean we should forget this marine was in a Vietnamese prison and what happened to him. If he died in prison, give us his remains. If you do not have his remains, tell us how he died and give the family some peace.

We have been told this stuff for 20 years. The Vietnamese can be expected, therefore, to have the capacity to repatriate his remains for proper burial by his family. Worried about drilling around for oil? How about digging up his remains and giving them back to the family? At the very least, they should be able to tell us how his remains were disposed of and where they are buried. You will never convince me otherwise—not General Needham, Admiral Larson, Senator Kerry, nobody else—will ever convince me they do not know where he is, because they do.

Last month, just before Christmas Day, his family was given a copy of the propaganda film I just referred to. They sent the film knowing the family was going to get it and burn them more. And then they say we do not know what happened to him. Come on. They were the most meticulous record-keepers we ever heard of. We had testimony from everybody on that, including defectors.

Here is a fourth and final example for those who claim the embargo should be lifted, even though the President has not yet made a decision on this. Yesterday, out of the clear blue sky, unsolicited, comes a fax into my office. It is from the daughter of Air Force Col. Michael O. Elhanon. He was flying an F-100A on a forward reconnaissance mission over North Vietnam August 16, 1968. He was reported missing in action. Search and rescue efforts were initiated with negative results. We did not know whether he was dead or alive. We still do not know.

There are several hundred MIA cases where we just do not know what happened. They are not discrepancy cases. General Vessey is not taking up the cause for this individual. Because we do not know what happened does not mean the Vietnamese do not know

what happened, and we should not forget it.

Colonel Elhanon's name should be put on the discrepancy list and given to the Vietnamese. Why? Because a reference to his actual shootdown by North Vietnamese units and a reference to his military ID card being in the possession of Vietnam officials was located in 1991. The ID card was carried by Colonel Elhanon in a zipped upper breast pocket on his flight suit. If the Vietnamese officials have Colonel Elhanon's military ID card, they can produce Colonel Elhanon or information about what happened to him. They have not done it. No one has pushed them on this case because it is not a discrepancy case.

In July 1992, the Vietnamese were requested by the United States side to turn over the ID card, and as of today, a year and a half later, after the last request, the family has yet to receive the ID card. Again, that is specific information. How many Senators were briefed on this case when they received their briefings in Hanoi on the excellent cooperation being provided by the Vietnamese? Are you interested in oil or are you interested in men? It is reasonable for President Clinton to make determinations on these cases because he has the information.

Here is another example of those who are still not convinced, in case there are any, that we should wait for the President. This one pertains to a loss in Laos where North Vietnamese units were involved. I remind my colleagues, more than 80 percent of those still unaccounted for in Laos, including 53 Americans who were known to be out of their aircraft at the time of impact, involved areas under North Vietnamese control during the war.

First Lieutenant Henry Mundt, United States Air Force, and Lieutenant Col. William Brashear, United States Air Force, were piloting an F-4C aircraft on an operational mission over Laos on May 8, 1969, 25 years ago. The aircraft was disabled by hostile ground fire. We knew at the time that at least one crew member ejected because at least one parachute was observed and radio contact was established with the individual on the ground, although identification was not made and rescue efforts failed to locate him. It was not known whether the crew member ejected.

In January 1974, 1 year after the war, Mundt and Brashear were declared "killed in action/body not recovered," even though we know at least one made it to the ground safely and established radio contact.

Enter another piece of the puzzle. Exactly 1 year ago this week, on January 26, 1993, Lao villagers unexpectedly gave us additional information on this case. During a crash site excavation of this case in southern Laos, the villagers came up to our team and told us that the crash site excavation would not do much because Lieutenant Mundt and Lieutenant Colonel

Brashear parachuted from their aircraft and were captured by Vietnamese and taken away.

You cannot take the information that we believe on our best information are discrepancy cases and ignore everybody else; you cannot do it. One witness said he thought they were taken to a North Vietnamese military hospital in Attapeu Province. The Lao denied our teams the opportunity to investigate the case further saying they wanted to investigate it first. And requests to the Vietnamese for further information on Lieutenant Mundt and Lieutenant Colonel Brashear have gone unanswered, even though we know they were captured by Vietnamese forces because they said so. And we have them listed as KIA. They are not discrepancy cases. How do you answer to the families of those men? Do you want to drill for oil before we find out what happened to those guys? Give me a break.

When the families of Lieutenant Mundt and Lieutenant Colonel Brashear heard Senators holding a news conference in Hanoi a few weeks ago were saying "It is time to close the book on the past. It is in the interest of the United States, in the interest of the MIA's and their families, and in the interest of stability in the region," I suggest the families of Lieutenant Mundt and Lieutenant Colonel Brashear, and the others I have now mentioned, would get a knot in their stomach, as well they should. The knot probably got tighter when they heard another Senator report in Hanoi last week that United States teams were, and I quote, "getting very good cooperation . . . getting cooperation as good as they could expect, and there's nothing they've been denied." Senator JOHNSTON, you asked for evidence. How much more do you need?

Marie Corps Maj. Norman Karl Billipp was listed as missing in action in South Vietnam on May 6, 1969 during a forward air controller mission. His family resides in New Hampshire. They are constituents of mine. We did not know what happened to Major Billipp at the time of his incident. It is now clear the Vietnamese must, in fact, know the disposition of Major Billipp. They have the flight route map from the aircraft in their possession at their army museum. This is an example of where the Vietnamese have turned over one piece of information which shows they can be more forthcoming. They do it to tease us. To date, they have shed no additional light on this case. You are not going to get information on it by digging around in the ground somewhere. You are going to get it in Hanoi.

Joseph Morrison and San DeWayne Francisco were flying an F-4D over North Vietnam on November 25, 1968. We lost track of them. They never returned from their mission, and search and rescue missions were unsuccessful. They were listed as missing in action. The Vietnamese know what happened.

Some of my colleagues may recall in October 1992, then President Bush held a Rose Garden news conference to herald a significant breakthrough on the POW/MIA issue. I attended that news conference, along with Senator KERBY. A private United States investigator under contract by DOD was given access by the Vietnamese to official photographs from wartime incidents involving U.S. personnel. This led to the formation of an archival research team with United States investigators in Hanoi. Of the 4,000 photographs turned over at the time, I am not aware of any photograph which led to an actual accounting of anybody.

In fact, only a handful of photographs actually pertained to the POW issue and provided new information not already known. One of them was a photograph of Joseph Morrison, one of the Air Force pilots I just mentioned. Sadly, Morrison was dead in the photograph taken by the Vietnamese and we did account for Morrison because of that.

But where is Morrison? We have a photograph of the body, yet the Vietnamese have yet to give us any information about the incident and they have yet to return the remains. They showed us his photograph and I saw the photograph. If they have an official Vietnamese News Agency photograph of Joe Morrison, we could reasonably expect they can account for him and Mr. Franciaco. Yet they have been silent.

That is disappointing. That is wrong. All of these examples are probably enough to illustrate my point, and I know I am running out of time. So I do not want to rehash it anymore. But if Senators would contact the MIA families in their States—and I hope they will—they will learn more about the examples. It behooves us; we have a responsibility; maybe we ought to read these cases before we vote.

This example, the last one that I would like to give, involved a wide variety of reports of American POW's at prison locations in North Vietnam and Laos during the war, from which no American POW's ever returned, even though they were reported to have been there. They never came back. I will not go into detail because of time, but one prison is called Tan Lap. It is in a remote area of northern Vietnam. I visited there last summer to determine the accuracy of some of the intelligence reports the United States has received. No one from our Government has ever asked to go there, even though it was a camp which was suspected by the DIA during the war of holding American POW's. It was a camp which, according to a recently declassified CIA study in 1982, is now believed to have contained American POW's during the war.

CIA, everybody will deny it. There is nothing to it.

That is not what the report said. Read the report. This report was not declassified under the orders of President Bush and Clinton. It was only de-

classified a couple weeks ago at my insistence. No one came back from that prison, and the CIA has reported that American POW's were held there during the war. I am talking about during the war. It is now 1994. Have the Vietnamese been confronted with this evidence? No. I just found the study a couple of weeks ago.

Has General Needham taken that up with the Vietnamese? No. And in yesterday's paper the Pentagon has reiterated their contention that no information has emerged that would substantiate the inference that a separate prison system ever existed in Vietnam.

Mr. President, that is disingenuous, and I am being kind.

I have now another CIA study that was conducted in 1976. It has been classified for 18 years. It was released at my request after the President said all POW/MIA documents from Vietnam have been declassified.

The CIA states, and this is 1976,

In response to recent human source reporting on American POW's still in North Vietnam, we conducted a photographic study of selected prison/detention facilities in the northern portion of the country . . . An analysis of 19 camps not known to have contained Americans revealed inconsistencies in the various camps reaction to the Son Tay Raid. (That was our attempt to rescue POW's during the war).

Some camps reacted defensively to the raid, other camps did not react initially but constructed weapons positions later in the year and some camps never received weapons positions during the time frame of our study, November 1970 to January 1973. The reason for this inconsistency in the various camps reaction to the raid is not known. It does show that the North Vietnamese did not provide blanket precautionary measures and that only selected camps reacted initially to the raid. Because of this inconsistency and the fact that several reports have been received recently stating that Americans are still being held in North Vietnam, the possibility of a second prison system for the detention of American POW's cannot be disregarded.

Mr. President, that is the first time the American people have heard those words written by CIA 3 years after the war. It has been classified all these years—it was never reviewed by our committee last year—and the only reason it is now public is because I demanded that it be declassified. And this is after the President said everything has been declassified. The CIA in its own words was saying that the possibility of a second prison system existed. And if you look at their subsequent study on the Tan Lap prison in 1982, a camp which did react to the raid, a picture starts to emerge about what camps comprised the second system. The CIA had one report in 1986 concerning an American POW in this camp in 1978; and their CIA debriefer in Bangkok said, "CIA is very high on this source. The debriefer involved states source was very forthcoming, open, and seemed completely candid. In fact, although the debriefer has interviewed scores of refugees who claimed first hand live sightings, this is the first, in his subjective view, whom

debriefers believe is being completely honest." And my colleagues should read the subsequent message traffic on this between CIA and DIA. You can draw your own conclusion on whether this report was ever properly followed up. I think it is obvious that it was not. CIA could not even get DIA to agree to do a polygraph of this source. But regardless of whether members feel it was properly pursued, I implore you to at least give President Clinton the opportunity to come to Congress and tell us that these reports have been fully investigated with the Vietnamese being fully forthcoming to his satisfaction. There is too much at stake to just lift the embargo without the President making such a determination. And that is all that is required under this amendment.

We also know that in Laos, there were areas, such as the caves in Sam Neua Province, where American POW's were known to be held, and this was the CIA's position, and yet no one was ever returned. The nine that returned at homecoming never even transited through Sam Neua Province. And we know from intelligence reports that North Vietnamese units were stationed in this area of Laos, and we even know the name of the North Vietnamese general who commanded this area. Yet we have made no discernible progress in learning the fate of the American POW's who were held in northern Laos. The Washington Post had a front page story on this on January 2—I would refer my colleagues to the story if they have not already seen it. In point of fact, neither the Vietnamese nor the Lao have accounted for a single POW held in Sam Neua Province since the war, even though that is where the CIA determined we had the strongest evidence, including aerial photography. The Vietnamese and Lao had their headquarters up there, so it is not like they just do not know what happened. They certainly can account for Air Force pilot David Hrdlicka. He was held in that area. The Communists put his picture in Pravda. He is alive and well in the picture. We have the transcript of a propaganda confession he was forced to make on the radio. There is no doubt he was a POW being held at their headquarters. But he is still unaccounted for.

Finally, some of my colleagues may have seen in the papers in recent days that there are new reports now coming to light through the declassification process concerning alleged American POW's having expired at some prison camps in northern Vietnam long after the war. They are reportedly buried in marked cemeteries adjacent to the prisons. As far as I know, U.S. investigators have not even visited these prisons, even though they have had these reports for several years, and in some cases, they have actual diagrams of the prisons and the cemeteries. And I have talked to the people who interviewed some of these sources. One of them was Bill Bell, who used to head

our office in Hanoi. He believes some of the reports were very credible. That is another reason why I am asking the President, under this amendment, to assure me that the Vietnamese have been fully forthcoming with the United States before we move forward.

These are the kind of things on which we need the Vietnamese to be fully forthcoming. I have listed samples of POW/MIA cases and intelligence reports that require answers and cooperation from the Vietnamese. In my opinion, these are the areas that are the real test of the depth of Vietnamese cooperation for they directly implicate the Vietnamese on the POW issue. If the Vietnamese want to drag this process out some more and play the waiting game on the embargo with us, I, for one, am prepared to wait until they make the decision to be fully forthcoming.

For those who say lifting the embargo is the only way to get the POW/MIA information we seek, I would suggest that is no different than saying lifting the embargo against North Korea is the way to resolve the nuclear issue there. I find it ironic that some who want the embargo lifted on Vietnam were proposing earlier this afternoon keeping the embargo on North Korea until they have met their full obligation on the nuclear issue. I would think we should expect Vietnam to likewise meet their full obligation on the POW/MIA issue before we lift the embargo there.

It is also no different from saying that lifting the embargo on Libya is the only viable way to get Kadhafi to turn over those responsible for the Pan Am 103 bombing. Or lifting the embargo on Cuba is the only way to get Castro to respect human rights. That is outrageous.

Granted, these are my opinions, and in some respects, that is different from the amendment now before us. The amendment before us simply calls on the President to make determinations on POW/MIA cooperation, consistent with his pledges to date, before we remove the embargo. That assessment is called for under this amendment. That is why Senators, at the very least, should be patient and allow the President to make his determinations based on the evidence gathered to date, and not on public pronouncements by some Members of Congress who, the record will show, wanted the embargo lifted before we even had the ongoing process in place and before they had even studied the facts pertaining to the POW/MIA issue.

This straightforward and simple amendment is the responsible course of action for the Senate, and I therefore urge my colleagues to vote yes so that these assessments can be made by the President.

In closing I point out to my colleagues that this amendment urges the President to consult with Congress as he starts to make further determinations on POW/MIA progress, so we will

all have ample opportunity to express our views to him, and we should give him the opportunity to weigh our views before we mandate, in some sort of legislative way, either a lifting or a maintaining of the embargo.

Mr. President, I urge the adoption of this amendment; it keeps faith with the commitments made to date by President Clinton; it keeps faith with the search for our POW/MIA's; and it keeps faith with our Nations veterans and the POW/MIA families. The President has stated that the POW/MIA issue is our highest priority with Vietnam. He has stated it is a moral issue for him. After all, we are talking about people who wore the Nation's uniform into combat and who did not come home.

There is not business more important right now than the business of ensuring that the Vietnamese have been fully forthcoming in telling us what they know about our unaccounted for POW's and missing personnel from the war. I await that determination from the President and I urge my colleagues to do likewise.

Mr. President, I ask unanimous consent that excerpts from the transcript of the Foreign Relations Committee be printed in the RECORD so that that can be interpreted verbatim. There have been some differences of opinion as to what was intended or what was said. I would like the record to speak for itself. So I ask unanimous consent that that be printed in the RECORD.

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

Say, "It is the sense of the Senate that."

Senator DODD. Would it require certification?

Senator KERRY. That does not work. You still have a legal requirement before point (5).

Senator DODD. Paul, why don't you offer what you have in mind?

Senator COVERDELL. Larry, would you be willing to set it aside until the next amendment?

Senator PRESSLER. Yes, why don't we do that. Let us set it aside. And why don't our staffs work on this for a few minutes here.

And let me offer now Senator Murkowski's amendment.

Mr. Chairman, I have an amendment to offer on behalf of the Senator from Alaska.

The CHAIRMAN. Excuse me.

I would say that we plan to break at about 12:30, and resume here at 2:30, so members can make their plans.

Senator PRESSLER. All right. I shall go very rapidly here.

I have an amendment to offer on behalf of the Senator from Alaska, Senator Murkowski and myself stating that it is the sense of the Senate that the President shall remove the trade embargo against Vietnam. As my colleagues know, next week the President must decide whether or not to review the economic sanctions against Vietnam under the Trading with the Enemy Act of 1917.

By passing this amendment, this committee can go on record in support of increased economic access to Vietnam as a means to achieve the fullest possible accounting of POW's and MIA's. I recognize that Vietnam is an issue of great personal significance for many members of this committee, myself in-

cluded, and so forth. And I know that Senator Kerry has done an immense amount of tireless work and has a tireless commitment to Vietnam's POW's and MIA's, and I commend him for that fine work.

Mr. Chairman, I have a lengthy statement on this, which is several pages long.

The Chairman. Without objection, it will be placed in the record.

Senator PRESSLER. I wish to put them in the record. And I move the adoption of the amendment.

[The prepared statement of Senator Pressler follows:]

The CHAIRMAN. Is there any comment on the amendment?

Senator HELMS. Mr. Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. Now, the committee may very well support this amendment. But I have got to say I think it is a mistake. There are very strong feelings on this issue in both the House and the Senate. And I predict that some members of the House and some members of the Senate will strenuously oppose the entire bill because of this single provision.

Now, President Clinton has this issue under consideration, and I think we ought to give the President some time to consider it. Let him come to a decision, and then make our judgment if we are inclined to do so.

I am very concerned that the passage of this amendment will make Vietnam less cooperative on the POW/MIA issue. And I think it will be sending the wrong signal to our allies, which have supported efforts to isolate Vietnam.

If it goes to vote, I, with all apologies to my friend, I must vote in the negative.

Senator DODD. If my colleague would yield, I just want to associate myself with your remarks. I think you are correct. First of all, you are consistent. Because I would like someone also to put a definition of what is different between this form of Marxism that exists in Cuba or other places, where we spend so much time and energy. But I think you are absolutely correct, the President is trying to move in this area, and I think for us to jump ahead without having considered thought be applied here as to how it affects other issues is the appropriate way to proceed.

And so while my inclination is to want to lift that embargo, I think the Senator from North Carolina is correct in his analysis.

Senator HELMS. Thank you.

Senator SIMON. Mr. Chairman.

The CHAIRMAN. Senator Simon.

Senator SIMON. I support the amendment. I think it makes sense. I think our policy is counterproductive. I have a company like Caterpillar in Illinois who wants to sell to Vietnam. They cannot do it now.

Why do we say it is okay to sell to China and not to Vietnam?

Now, Vietnam is not any great threat. What we are doing in our Vietnam policy is serving the national passion rather than the national interest. I am old enough to remember when Harry Truman said we are going to help Germany and Japan. And I can remember, with all due respect, the chairman and the ranking member are also old enough to remember that I remember how unpopular Harry Truman was when he did that. Harry Truman was right.

The Vietnamese War is over. They have been cooperating. And Senator Kerry and Senator Brown know this much better than I. But I do not see any purpose served at all by our present economic boycott of Vietnam. So I am going to vote for the amendment.

The CHAIRMAN. Senator Kassebaum.

Senator KASSEBAUM. Mr. Chairman, I would defer in time to Senator Kerry and Senator Brown and myself. We were all

members of the POW/MIA special committee. But, particularly, Senator Kerry and Senator Brown spend a great deal of time on this issue. But I would have to vote against it. I think it is premature.

There are still some very sensitive issues that need disclosure. And it seems to me that we are moving in that direction. But to do it at this time really undermines the ability that we have to get the disclosure that I think will need to be completed, where we can really move in this direction. And I agree with the remarks that Senator Helms has made.

The CHAIRMAN. Senator Brown.

Senator BROWN. Mr. Chairman, I am delighted to report I am far too young to remember what Harry Truman said about Japan.

[Laughter.]

Senator BROWN. Actually, it was pretty close.

I do not think it should pass without noting that the distinguished Senator from South Dakota is a Vietnam veteran, who served two terms in country and I think has a record that every American admires. And I think in terms of advocating this policy he is probably the ideal one to present it, or one of the ideal ones.

There are several members of the committee who have very distinguished records there. But I think the issue should not be thought of without noting his background in that area.

I am concerned about it for a reason that is a little different than what we have talked about, and it may only relate to a special concern I have. My perception of our trade relations around the world is that following our World War II experience, we largely bought off on a system where we accepted other countries' restrictions on our exports to them, and gave them access to our market in a very broad fashion that we do with almost everyone.

I do not mean to say that we are perfect or that we have no barriers at all, but we, on a comparative basis, have an extremely open market—perhaps the most remarkably open market of any major economy in the world. That is a way of saying that the point at which you start trade relationships is very important. Because once you are started on a plane, where they have a restricted market and you have an open market, then it becomes very difficult to get them to make unilateral concessions.

I am concerned about this action in that my hope is that the resumption of trade relations with Vietnam—which will happen—my hope is that when that happens, when we resume trading with Vietnam, when we end the embargo, that it only happen after there has been some negotiations on the whole nature of market access, market access for them in the United States, and U.S. access to the Vietnamese market. And my hope is that we do not end the embargo without having that negotiation first and getting some decent ground rules for equal access.

If we grant that access before we have done that negotiating, I fear we will have a much more difficult time of getting fair and equal access.

So that is a little different focus than I think many of the members have been observing. But at least my hope is that we would take care of the discussions on market access before we would end the embargo.

Senator SIMON. Would my colleague yield?

Senator BROWN. Surely.

Senator SIMON. If we were to drop the word "immediate" here, that would not preclude doing precisely what you are talking about. But it seems to me it is so ridiculous that Japan, Taiwan, everybody else is in, France,

they are in Vietnam selling away, and we cannot.

I have two major Illinois corporations who want to sell to Vietnam but they cannot do it. We are hurting Vietnam a little, but we are hurting ourselves more.

Senator SARBANES. Could I ask a question?

Is it your assumption that the President is now in negotiations with Vietnam about removing this trade embargo and getting certain things, I would assume, in response for it; that his hand in those negotiations, which I take it would be very quiet ones now going on I assume, would be strengthened by passing this? It seems to me it would be somewhat weakened by passing this.

Because, in effect, it would say, Well, you know there is a movement growing afoot to do this. In any event, it is going to take presidential action to do it.

I mean, this is a sense of the Senate. But it seems to me in that in the play of policy here, let him play with a full hand while he is at it right now and see what that produces. It may produce some results that none of us are fully aware of at the moment.

Senator PRESSLER. I think the Senator from Illinois has made a good suggestion, and I would be willing to change the amendment and take the word immediate out.

Senator SIMON. Take out the word immediate.

Senator PRESSLER. I hope the Senator has a right to change his amendment, but I will do that without consulting with Frank Murkowski who is not here.

Senator SIMON. All right.

Senator KERRY. Mr. Chairman?

The CHAIRMAN. Senator Kerry?

Senator KERRY. This is a troubling amendment in some regards personally, not in terms of the policy, because the moment here is kind of a critical one with respect to the road travelled on Vietnam.

The President is literally going to decide in the next couple of days, and I was discussing this earlier with the White House today. And I think we are on a carefully thought out and orchestrated road here where there is some critical information that has come into our hands in the last weeks and months as a result of the efforts ongoing that is not fully evaluated yet and it needs to be evaluated.

There is every indication that the Vietnamese are cooperating very significantly. I just got a letter yesterday from the Ambassador in New York indicating that significant documents from the 559 Division and the 875 Division, which handled prisoners, have been turned over in the last weeks as well as large bags of letters that they found to prisoners and other things. So, there is an ongoing process here.

What the President has promised the families, and it is an important promise, is that our actions are going to be commensurate with the cooperation of the Vietnamese. I do not think anybody wants to be abusive of that process that is in place.

Now, I personally believe that that process is greatly enhanced by lifting the embargo. But I believe because I see this process now so carefully engaged in, that we do not really advantage the process ourselves or the ultimate goals by pressing this issue today. That is not to say that in 3 weeks or 4 weeks we may not want to press it when the evaluations are in and when we can make a judgment about the results of the cooperation that has increased in the last months.

So, I want to be very careful here. I do not want my opposition to this particular language at this particular moment to be interpreted in any way as suggesting that we are well served by keeping the embargo. We are not. But I want to pay respect to the needs to have that interpretation made of this cur-

rent information, and also to give the President the leeway in his interplay with the Vietnamese to make the judgment.

Now, we all ought to understand here, and I want the Senator from North Carolina who was a member of the committee and signed off on the report and others to really understand, that there is an ultimate division here which we are going to have to confront. There are people who do not want ever to move forward and who will find any reason whatsoever, including any interpretation of noncooperation, as an excuse to prevent moving forward on the embargo. And there is an ultimate confrontation with that. It may not be appropriate at this moment today, but it really is 3 weeks, 4 weeks, 6 weeks down the road here.

It is clear—I was just in Japan last week and met a number of companies that are losing a million dollars a month or so, and these are companies, one of them is Digital, \$1 million of profit last year. They are losing \$12 million annually now of a contract they cannot complete in Vietnam. And what is scary is because many of the Vietnamese and other countries trained on Digital, they will be replaced by NEC and by others. And the result will be that they will be out of it forever. And we had better understand that as we go down the road here.

This embargo will not ultimately change Vietnam's behavior because Vietnam has alternative sources. There are many billions of dollars that have now been invested in Vietnam, and the Taiwanese are there, the Chinese, the Japanese, the French, the Germans, all our competitors are laughing at us.

When we were last over there we met with the 14 ambassadors of our allies. Every one of them said, you ask us for advice on the embargo. Every one of them said, you ask us for advice on the embargo. If we are going to give you advice from our perspective we say, keep it. But if we are going to give you advice for the region and for all of us, lift it immediately.

Now, we have got to understand that, Vietnam is growing at 6 to 7 percent a year right now without us. And what has happened is that we have got the IMF that we have granted them which means they get credit, but we do not allow our companies to take advantage of the benefits that that credit now gives them.

Now, I am not putting commercial interests ahead of the larger moral interests of getting this accounting. But the fact is we want something from the Vietnamese. This is not unilateral.

You cannot sit here forever and say, give us information and if you do not we are going to hurt ourselves. Well, that is basically our policy. And unless we recognize that Vietnam has the answers and if we are going to get the answers, we had better have access. And if you continue to shut the door, you shut the door on getting answers. So, in effect, families are not helped by the continuing of the embargo.

Now, I just got a letter yesterday from a person who put up an American flag in Hanoi outside the office they are now allowed to open to merely talk about doing business but not to do business. As a result of that flag being there, people came into his office.

And he said to me, you know, they said we are scared to go to the government. We are scared to go over here, but we think we know where some American remains are. We would like to show you where they are. And they talked to this person. This person put them in touch with our office in Hanoi.

Our office in Hanoi went out to the location and, indeed, they are now probably going to have answers for a family. One American flag provided those answers for that family probably. And the question this

businessman put to me, he said, what would 100 American flags or 1,000 American flags in Vietnam do for us?

So, there is a confrontation in a few weeks on this issue, but I strongly think that this particular day, this particular moment, though I support the fundamental effort, is not the moment.

Senator Pressler: Mr. Chairman?

The Chairman: Senator Pressler?

Senator Pressler: Could I just conclude by saying that I thank my friend very much. I think by taking Senator Simon's suggestion and taking the word immediate out I think we solve the President's problem because we take the pressure off. This could be prospective. The President can negotiate and so forth without the word immediate being in there.

But let me say, my thinking on this whole matter is exactly similar to Senator Kerry's. If there are more POW's there we will be able to find them a lot better by having Americans going around and there being offices there and getting information.

Also, I was with Senator Brown and Senator Cohen on a recent trip to that part of the world. China and Japan are getting their paws on Vietnam. And I think by our recognizing Vietnam we would have a balance to China and Japan economically in that part of the world.

And I certainly agree with Senator Brown's fine point that our trade imbalance is partly because of how generous we are. As to the whole region, we are going to have to change that not only for Vietnam but for China and Malaysia and all those countries because we have been allowing their products to come into our country and they have limited ours.

So, in conclusion, I think with taking the word immediate out it addresses Senator Kerry's problem. I think we need to address the trade imbalance issues on a worldwide basis, but if we do not move forward with this trade we are just letting China, and Japan, and France, and Germany, everybody else in the world get the standards set and get the business, as well as establish hegemony where we really need to have our foot in the door.

So, I move the adoption of the amendment. And by the way, the Baltic States amendment, staff has worked that out. So, right after we vote on this if we could, by unanimous consent, adopt the Baltic States amendment I would appreciate it.

The Chairman: All right. Since we have a quorum now, let us adopt the Baltic States amendment.

Senator Dodd: I would like to hear what it is and I would like to see it.

The Chairman: You have not seen it? Okay.

Senator Pressler: Let us do the Vietnam one first.

The Chairman: We will do the Vietnam one now.

Senator Dodd: Is this on Vietnam?

The Chairman: The vote is on the amendment as modified by the Senator from South Dakota.

Senator Dodd: Is this Vietnam?

The Chairman: Yes, this is Vietnam. The clerk will call the roll.

Ms. Allen: Mr. Biden?

(No response.)

Ms. Allen: Mr. Sarbanes?

Senator Sarbanes: No.

Ms. Allen: Mr. Dodd?

Senator Dodd: No.

Ms. Allen: Mr. Kerry?

Senator Kerry: No.

Ms. Allen: Mr. Simon?

Senator Simon: Aye.

Ms. Allen: Mr. Moynihan?

(No response.)

Ms. Allen: Mr. Robb?

(No response.)

Ms. Allen: Mr. Wofford?

(No response.)

The Chairman: Senator Robb votes no by proxy.

Ms. Allen: Mr. Wofford?

(No response.)

Ms. Allen: Mr. Feingold?

Senator Feingold: No.

Ms. Allen: Mr. Mathews?

Senator Mathews: Aye.

Ms. Allen: Mr. Helms?

Senator Helms: No.

Ms. Allen: Mr. Lugar?

(No response.)

Ms. Allen: Mrs. Kassebaum?

Senator Kassebaum: No.

Ms. Allen: Mr. Pressler?

Senator Pressler: Aye.

Ms. Allen: Mr. Murkowski?

(No response.)

Ms. Allen: Mr. Brown?

Senator Brown: No.

Ms. Allen: Mr. Jeffords?

Senator Jeffords: Aye.

Ms. Allen: Mr. Coverdell?

Senator Coverdell: Aye.

Senator Pressler: Mr. Murkowski is aye by proxy.

Ms. Allen: Mr. Gregg?

(No response.)

Ms. Allen: Mr. Chairman?

The Chairman: Aye. And also Senator Moynihan votes aye by proxy. I am sorry. He votes no by proxy.

Senator Helms: Did you get Murkowski's proxy vote?

Ms. Allen: Yes, I did. And Senator Moynihan is no by proxy?

The Chairman: Senator Moynihan is no by proxy. On this vote there are nine nays and seven yeas. The amendment is not agreed to.

Senator Pressler: And the Baltic States amendment, staff has agreed on that. Shall I go through what the changes have been or has it been distributed? They have taken out everything under B.

The Chairman: Could we have a copy of it? Senator Pressler: Yes.

The Chairman: Would you have copies for everybody?

Senator Simon: May we have copies for everybody please? I think this is important enough that we do.

[Pause.]

The Chairman: I would like to announce also that there * * *

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. SMITH. I will continue tomorrow. I thank the Chair.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts, [Mr. KERRY], is recognized.

Mr. KERRY. I thank the Chair.

Mr. President, I am not going to take even half as long as my colleague. He has thrown out a lot of cases, and I do not know how many folks have been able to digest them or listen to them all, and there have been a lot of allegations about these cases.

Let me just start off and try to say the accuracy in this process is awfully important. It is hard for people who do not know a lot about this to pick through it. We are obviously not going to be able to do that in a short span of time. But the Senator has made a number of representations, and I would

really like to correct some of them and let the record be clear on them.

No. 1, he quoted the Foreign Relations Committee actions on the embargo as indicating why we ought to be in sync with his particular amendment, and that in fact the Foreign Relations Committee in the action it took on the embargo was reflecting the decision let the President decide.

Let me say to my friend, since I am on the Foreign Relations Committee and since I was the principal one opposing proceeding forward on the embargo at that point in time, I know what that message was and what we did. We did not decide on the basis of his amendment to let the President decide. That had nothing to do with it.

We decided it because we wanted to keep faith with the effort in place to make sure that the whole JTF process in Vietnam was working. I felt very strongly that we had not given it enough time and that we owed it to the veterans to permit a number of months to go by to see if the Vietnamese were, indeed, cooperating further. It had nothing to do with "letting the President decide." It had to do with the determination of the committee that moving forward was premature.

Now, that is just one example of the way in which something is taken and thrown out here and reality is in fact very different.

Let me give you another example, the case of this film and this person where he says, "Why isn't General Needham there in Hanoi finding out what happened to this guy that we knew was alive?"

Well, we are finding out. We have found out. We do not have his remains yet. But the point is General Needham is finding those things out.

Now, I will share with my colleague a sense that a lot of things have been done very badly in this process over the years. There is a lot of blame to go around, going right back to 1973, and families were misled; families were not given the full truth. I think one of the great things that our report and our work did jointly was to prove the trail of negligence, inattention, bad decisions and other things that really have led the families through a terrible process.

But we should not compound it now by not making clear what our group is doing and not doing in their efforts to provide full faith in this. The Senator does not like what the task force is doing. He has made that very clear.

But they are getting answers. You have plenty of people around who have made huge pronouncements as former Congressmen, or as Congressmen and others who say that there are 80 live Americans and we are going to bring them out in a month, who tell us that there are live people there and who have gone to Vietnam and made announcements about live people and come back, people who say those are photographs of my son, my father, and find out they are fakes. This process

has been led by a certain number of charlatans and exploiters, and we should not allow fiction to cloud what we are trying to do here.

Now, the case that he just talked about in the film happens to be a person by the name of Burns. He was an American, and an American captain was with him in the camp. The American captain has told us he died of malnutrition and in fact he was buried by Americans. We now have certificates from Vietnam confirming his death certificate and hopefully the location of the grave because they gave us the grave registration.

So the Senator is here screaming, "Find him, General Needham." We have information on this fellow just as we do on every other case he has raised. We are getting this information. The fact is we hope we will find his remains now that we know he in fact died, how he died, where he died, and several fellow Americans observed his burial at the time.

The Senator did not tell you that during his discourse. He also did not tell you that the pictures of Bobby Garwood in that film show him carrying a gun on a mission walking around with Vietcong soldiers at the time, and that this is the same Bobby Garwood who led people up to an area north of Hanoi claiming it was the area where he could identify buildings. He identifies the buildings. We have another press conference saying this confirms Americans were alive. And lo and behold, the satellite photography that we have proves the buildings he was pointing to did not even exist when he was there as a prisoner.

That is the kind of distortion that this matter has been subject to for a long time.

We have also heard about all the veterans groups that supposedly have strong opposition—Vietnam Veterans of America, American Legion, and others. I think it was Jack Kennedy who said of the American Legion back in the 1960's they had not had an original idea in 25 years. Well, now maybe it is 50.

Do you know what the American Legion says to the President? They say there are live prisoners, and until we get the live prisoners back we cannot lift the embargo. So the Senator now wants us to set that as the new standard in his amendment. We have to consult with them before we can proceed forward.

The amendment the Senator has put in is directly opposed to the amendment of Senator MCCAIN, Senator PRESSLER, Senator ROBB, Senator BOB KERREY, myself and others. We are urging the President to take a step. The amendment of the Senator is geared to prevent the President from taking a step. It sets a new standard. It is purposely imprecise. It calls on the President to require Vietnam to produce for Laos and Cambodia.

So we are not just going to have them responsible for Vietnam. They

have now to produce to the fullest accountability for Laos and Cambodia. That on its face ought to be rejected. It is not even a sense-of-the-Senate. They want it to be law so that this actually ties the hands of the President, something most Republicans were extraordinarily loath to do when President Reagan and President Bush were in office. While he suggests this is something the President ought to like, I suggest on its face that this administration will want this rejected and suggest it is not an appropriate standard.

Mr. President, the Senator said we ought to be getting real answers; that we are not getting real answers. And he says that we should not be going to grave sites. We should be going to Hanoi to get a real answer. I have shown you a photograph. This is a real answer. Three bodies were unearthed here that we believed might have been alive, might have been prisoners. We did not know. And by virtue of this grave site, we will have answers for families, answers that not one of your Ramboesks, self-styled saviors of POW's has ever produced, not once, not one. They raised expectations. They have raised hopes. And they have raised millions of dollars exploiting a lot of people in the process promising to bring back live people. But they have never brought back a live person.

Mr. SMITH. Excuse me. Parliamentary inquiry. I need to understand. The Senator is referring to me in his remarks.

Mr. KERRY. No. I referred to the people in the outside who have been raising moneys. Has the Senator been raising money?

Mr. SMITH. The Senator knows I have not been doing that. I resent the implication. And you also misrepresent what I said; the statements that I made. You said I did not say there was a document certifying his death. I did say that. The Senator needs to be accurate.

Mr. KERRY. Mr. President, what I said was that the Senator says we do not know what happened to this person. I will go back into the RECORD. That is what the Senator says. He says it is unanswered. I have pointed out that it is not unanswered.

The fate has been determined. This is not a handful. I heard the Senator from Iowa say just a handful have been answered. I do not consider when General Vessey gives them 196 cases that we are down to 73, that more than 116 cases is a handful. Those are 116 American families that have an answer today. And I am proud to stand on this floor advocating a policy that will get more answers for families; not less.

The Senator suggests that when the chiefs of these veterans groups speak they speak for all veterans. He cites the Vietnam Veterans of America. Mr. President, I am one of the four founders of the Vietnam Veterans of America. I know that at least one of the other four founders believes as I do. That is 50 percent. And I know that

many of my friends are members. I am a lifetime member. Leadership does not speak for me on this.

I also know that in the VFW there are thousands of members who do not share the opinion of some of the leaders. That is true in all of these organizations. And no Senator should be intimidated by the notion that when a President of an organization or somebody writes a letter it represents all of the views of all of the organizations.

That is true for Senator MCCAIN who is a member of them, for Senator PRESSLER, and for Senator BOB KERREY, for Senator JOHN GLENN who stands here, a war hero himself, and others. Do not tell me who speaks for me or for some other friends of mine who are veterans.

Mr. President, we have been told that there are 1,100 people who ought to have the same treatment as all of the others. I have gone to look at those cases too. The Senator from New Hampshire knows that I made an issue about that during the time we had the committee, and I insisted we have people review those cases.

We have this great number, 2,238 POW-MIA. But we know that there are not in fact 2,238 POW's nor even MIA's about whom we know very little. The Pentagon knows that more than 1,100 of those people are dead. They know that, and they know their bodies will never be recovered. And of the 1,100 others that are on that list, General Vessey went through them and that is the list he gave to the Vietnamese.

He went through those cases, and they found almost 200 of them where you might be able to make a presumption the person lived. I suggest that if my colleagues read those 200 cases, they would have a hard time deciding that truly in 100 of them they lived. But we gave the benefit of the doubt, raised it up to 200 so that no issue would be left unexamined, so no stone would be unturned, so nobody could come in and say, gee, you should have done this case. Some of the cases were missed. I agree with my colleague. It was not as complete as it should have been. We added some cases as time went on. We found some others that we thought legitimately should have been in the first batch.

Mr. President, I could show my colleagues in the Senate sheets that show that every single one of these cases is being investigated. Some of them have been investigated 8 separate times. People have gone out into the field, talked to witnesses, tried to find out what happened.

We have this great mythology that somehow there are all these records. I have seen the records we get in Vietnam as our investigators have seen them. They are tattered, ragged, sheets of paper in many cases. They have no computers. They have no filing systems. Many of these are being pulled out of boxes. They have mildew on them, they are dirty, they clearly have not been stored in any significant way. And in a country that suffered enor-

mous bombing, people were out in the Ho Chi Minh Trail with B-52 strikes. Some prisoners were bombed by ourselves. Some people never reached camps. Some of them we will simply never know the answers.

So I simply want to say, I could go on a little bit further. Senator GRASSLEY said we are not getting documents. I called over, and we have gotten documents from the security service on individual prisoners. The group 875 documents, for those who took care of the prisoners when they were in country; documents from the Department of Military Justice, group 559 documents which was the group responsible for operations in Laos.

We have gotten specific shoot-down documents. We have learned things about people that we never knew anything about as a result of some of these documents. We have private diaries of wartime battles. We have private personnel battalion commander records of fights. We have learned from these documents. And all I can say to my colleagues is that the real issue here is whether we are going to try to set up a process that guarantees we continue to get information and provide this information to the families.

We have a difference of opinion; not that we want to serve the families, not that we want to do everything we humanly can to resolve this issue, but a difference as to how you do that.

I believe that we ought to trust the judgment of the people in the field. Some people do not trust them at all. That is their prerogative. But I find it very hard to believe that the young lieutenants that I saw out there risking their lives, or that the generals or colonels who have major careers ahead of them, who want to produce, who want to do things correctly, are somehow all of them betraying their oath to the Constitution and the uniform they wear.

I mean some people seem to make a presumption that every soldier who ever came in touch with this, that every person in the Pentagon, that every single person who has ever dealt with this issue, who has not come up with a live person is somehow part of a conspiracy. And thousands of reputations are being tarnished in the process of that.

I do not think anybody has claimed perfection in this. There certainly is not perfection. But I think there is better faith that some people have allowed for.

So, Mr. President, I will have more to say tomorrow. The Senator from Ohio is waiting extremely patiently this evening. Before we close off, I yield to him.

Mr. GLENN. I thank my colleague. My remarks will be brief.

Mr. President, this is obviously a very emotional issue with a lot of people, and we come to this debate with a lot of people having feelings that go back many years and with friends left behind in Vietnam. It brings back

recollections of other wars where people were left behind, also.

The question is, at this point, how do we truly get the best answers for the families? How do we give them the best peace of mind, to know that everything is possibly being done that possibly can be done to account for their loved ones? How do we get answers for the families? How do we get answers for the veterans organization, such as AMVETS; VFW, Vietnam Vets, the National League of Families, and others? How do we guarantee the best chance of getting those answers? I will go beyond that. How do you get answers for me? I do not take second place to anybody in being interested in knowing what happened to our people and knowing whether we have done everything we possibly could do to make sure that unaccounted for becomes accounted for, whatever that accounting may show. How do we get it for Senator KERRY. He has no less interest in this than anybody else and takes second place to nobody on that. He was in that war. Senator MCCAIN was in that war. How do we get a good accounting?

Nobody, least of all those who have been in battle, wants to abandon hope for those who did not come back. We want the concrete results that Senator SMITH talked about a little while ago. So the question to me is not what we have hoped for all these years, not what I stood for in wanting the best accounting and making sure we were tough on Vietnam. But we come to this time in 1994, which is now some 20 years after our American forces pulled out in 1973 and 1975, when finally even the embassy was abandoned and the last of our people were brought out. The question is how best to proceed at this time in the current situation in which we find ourselves. Do we keep the attitude we had, and I had, and a lot of people had, back through the early 1980's when we were really not getting much information? Or do we say we have a new tack we can take now, and perhaps we really should abandon some of the views we had earlier.

I do not want to admit to anybody that we are abandoning anything. We are not abandoning anything. What we are trying to do, I believe, is take a new tack in guaranteeing that we will continue to have the best information coming out. That information, to me, should center on one thing first. I hope it is not a futile hope to center on this one thing: Is anybody still alive out there that could be brought back? Is anyone being held against their will out there? After every war we have had, there have been some people, for whatever their private reasons are, who decided they would stay where they were; they either met somebody and fell in love, or for whatever reasons; they decided they wanted to stay. That has happened after every war. Aside from those people, is anybody being held against their will? How do we ask for that and make certain we

can best investigate those possible situations?

It seems to me that our situation has indeed changed. Through the years, bit by bit by bit, there has been a cooperation, bulging at times, cut off at others, threats at other times. Yet, there has been an increased cooperation that nobody can deny out there. Has it been as complete and as fast as we all would like? No, certainly not. But has it been a real slow progress where we are getting more information than we used to get? Yes, I think we would all have to say that is the case.

We have seen General Needham out there now, and we have had Admiral Larson and General Vessey. General Needham is on the spot with his team. He tells us he is absolutely free to go wherever he wants to go. He has not been refused on requests he made to go out and investigate sites or investigate the potential live sightings from that area and investigate all of those things. Senator KERRY has pointed out that General Needham has exercised those options, and in case after case and every time some new rumor occurs, he goes and diligently investigates again. I was wondering when we were out there and he was showing us crash sites and telling us about some crash sites, where there is still live ammunition and bombs around, and where they had to be careful and mark the entryway into some of these investigative areas they were into now, and they had to mark these with little flags, and people walk through narrow corridors and stay out of the more dangerous areas on each side. I was wondering then if we are not going to perhaps inadvertently kill more people going in to look for some of these crash sites, where the best they are coming out with are a few fragments of bones; and the relatives here are interested in those remains, obviously, fragmentary though they may be. You cannot equate that with money, obviously, and the interests of the people back here. When we were out there the previous year, the numbers of remains that had been identified and brought back, the total cost of doing that was about \$1.7 million, as I recall. I hasten to add, again, that you cannot equate something like this to the families with the cost involved, nor would I propose that we limit it because of costs.

It indicates that we are spending a lot and going ahead with bringing back those fragments, and they are making every effort they can to make certain that everything is returned that people want returned, if we have the option of doing it.

I submit that through the years the Vietnamese have, in their efforts to help in our accounting, done a lot of new things in cooperation. At this point—and I keep coming back to this point in time—in 1994, are we liable to get more information? Are we liable to find out truly if there are any of our people still alive out there? Should we go back and say we are going to get

tough, we will not cooperate with Vietnam? Or is it to our own selfish advantage in trying to find out what happened to the unaccounted for, if we go ahead and have a more cooperative view toward Vietnam, if we open up some sort of relationship with them that is more formal than we are exercising right now. I submit that, in my opinion, we would probably cut off the flow of information if we do not move to some newer relationship.

It has been 20 years since Americans left there. Are we ever going to find out what happened to every one? No, no more so than we have for World War II, where we have almost 79,000 still unaccounted for. Out of Korea, over 8,000 are unaccounted for. In Vietnam, we can probably bring that down to a pretty good estimate, to about 1,200 that we cannot really say for sure what happened. Just to put this in comparison also, as we were in Vietnam, the Vietnamese asked me a question during one of our meetings: Could we supply records on their people that are missing? I asked how many they thought they had missing, and they said somewhere over 300,000 Vietnamese are missing, and they said, "We would appreciate your help in determining what happened to them."

I took that seriously. When we came back I called the people over at the Pentagon who follow the aftermath of the Vietnam war and I said could this be that they still have 300,000 unaccounted for out of the Vietnam war? It is their country. Why do they not go look for them?

Our people said no, they think that is quite plausible.

I said can we help them get records? Their people are interested in loved ones that disappeared in the war just as our people are. They are human. They told us their people go to shrines every year, somewhere near the last place they heard from their loved ones, and they continue to this day to ask questions. And they told us about sheets that are put out regularly and distributed throughout Vietnam still trying to find, to this day, some of their people that are missing—300,000 they claim. And our people over in the Pentagon said that is probably an accurate figure. They did not dispute that figure.

The question is, do we have adequate records on all those people? Did we keep records in the heat of combat when there was a fire fight and people we are going down and dying and falling? Do you get the man's dogtag and get his records and take it back with you so that these records can be kept for some post-war analyses? No, you certainly do not.

I am not taking the sides of the Vietnamese against us on this. Certainly not. I only bring this up to point out that war sometimes is not very tidy and some of your record keeping is not as good as you wish it was.

So we are not abandoning these people out there. I want to get every sin-

gle bit of information we can. If anybody says to me that I am trying to favor the oil conditions, or I am trying to favor those who want to sell consume goods out there and we are abandoning our prisoners in the interest of commerce, that would make my blood boil because certainly nothing could be further from the truth.

I want to see us get every bit of information we can, as Senator SMITH said, concrete results. Do we do that by having some form of recognition, having some form of cooperation which will keep the lines of communication that are now open, keep them open and expand them as they grudgingly, slowly expanded through the years? Or do we tighten down on that?

I know that we will never have the answer to every single person that is unaccounted for in Vietnam. Certainly we want to have as clear a picture of what happened as possible and to account for everyone that we possibly can account for.

But I would say to those families that still are grieving after 20 or 25 years, or even 30 years, that we go back to the days of the beginnings of the Vietnam conflict, to those who are still grieving for to find out what happened to the loved ones back in those days and to the members of veterans organizations who lost buddies and friends and remember what that war was like all too well, I would ask them then how do you think we will best be able to account for the people that are still missing out there?

Do not just hold a grudge and say we will never cooperate with those people. If we took that attitude after every war we knew what would happen with the Germans or Koreans or whatever war we have been in. Somehow we start getting over it, sometimes. Do not just say because Vietnam was not a popular war that we are going to forever say that we will never have any relationship, because I do not think that is the way that we really find out what happened to every single person that we can find out about.

I do believe that the time is changing, the time has come to say we do not give full diplomatic recognition right off the bat or something like that. I think it is time to say we are not going to put up a lot of roadblocks here, and say we are not going to do a whole bunch of things until we get some of the accounting we truly want. That is not the way to get that accounting.

Maybe not to the extent that we would like, and as soon as we would like, but I think that they have come a long ways toward providing what information they have. Maybe it is not perfect, maybe there are particular cases that General Needham and his team need to investigate more. But I keep equating some of these requests for information with the Vietnamese request of us for information and my request to the Pentagon as to what information we have on Vietnamese combat deaths

that occurred in areas where we controlled the territory. And we have rather sparse records in that area. We cannot give them any answers.

But I think we do need to keep a good record, we need to keep the situation out there such that they will be forthcoming with information they have. We have teams out there now set up to monitor that and we try to look into the information that we get from them.

For all these reasons—I give these as reasons why I have gradually, through the last few years, changed my mind on what we should do. I think the best way to make certain we get information is to make certain that we do not clam up, do not tighten up. As I said, I do not do this for commercial reasons at all, whether we never have oil companies out there or our consumer people out there. I think the cooperation that we have been building slowly over a period of time, and that they have responded to, is the best way to go to making sure that we do have concrete results, that we do have as much information as we ever can get, to make sure that we know to the best possible level exactly what happened to every American that did not come back from Vietnam.

I yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from Massachusetts, Mr. KERRY is recognized.

Mr. KERRY. How much time remains?

The PRESIDING OFFICER. The Senator has 26 minutes and 50 seconds.

Mr. KERRY. I think, Mr. President, we are anxious to try to wrap up here. I would just like to point out a couple of things if we can as we go along that I want the RECORD to reflect. I ask unanimous consent that a history of the POW/MIA activity since the war be printed in the RECORD.

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

POW/MIA HISTORY RE THE VIETNAM WAR

1973:

A total of 591 American POWs return to the United States. Most returned during Operation Homecoming from February to April 1973.

1974:

The Vietnamese repatriate the remains of 24 POWs who died in captivity.

1975:

Saigon falls and American forces are withdrawn from Vietnam.

1976-1978:

After the end of the war, Vietnam's objective was to be accepted into the international community. For example, in 1977 when the U.S. opted not to veto their United Nations membership, the Vietnamese responded by suddenly repatriating the remains of more than 20 Americans. At the same time, U.S.-Vietnamese negotiations explored the possibility of normalizing relations; however, this was later scuttled by Vietnamese demands for war reparations and their invasion of Cambodia. U.S. policy at the time was accounting for missing Americans as "a hoped for by-product" of the normalization process.

1978-1982:

Following the breakdown of normalization talks, contact with Vietnamese officials virtually halted, as did the return of remains and any form of cooperation on the POW/MIA issue.

1983-1987:

The U.S. made clear that resolution of the POW/MIA issue was a humanitarian matter that rested on international standards and that it was in Vietnam's interest to treat it that way, regardless of the state of U.S.-SRV diplomatic relations. It was also made clear that the U.S. domestic environment, absent such treatment, would dictate that the pace and scope of U.S.-SRV relations would be directly affected by cooperation on this issue.

U.S. policy-level delegations visit Vietnam and the Vietnamese pledge to resolve the POW/MIA issue.

1987:

January—U.S. proposals for technical discussions in Hanoi were rejected by the Vietnamese, as was a similar proposal the following month. President Reagan named a former Chairman of the Joint Chiefs of Staff, General John Vessey, Jr. USA (Ret.), as Special Presidential emissary to Hanoi for POW/MIA Affairs.

August—General Vessey led an Interagency Delegation to Vietnam. General Vessey obtained agreement to resume and expand cooperation on POW/MIA and other humanitarian issues of mutual concern to the United States and Vietnam.

Vietnamese were provided some representative case files.

Vietnamese repatriate 8 remains.

1988:

Vietnam agreed to initiate joint field investigations aimed at resolving "compelling" cases that General Vessey had previously provided and to expand their unilateral efforts.

Vietnamese present proposals for the joint activities and agreed to begin joint field investigations. This resulted in three 10 day periods of joint investigations along with a visit by U.S. forensic specialists to examine remains unilaterally provided by Vietnamese.

Vietnamese repatriate 62 remains.

1989:

Vietnamese pledge continued cooperation during Vessey-led Interagency delegation visit to Hanoi and agree to measures that would expedite resolution of the issue.

A total of 5 joint field activities and four technical meetings are held during the year; results are disappointing.

Vietnamese repatriate 34 remains.

1990:

General Vessey and the POW/MIA Interagency Group meet with FM Thach in Washington, DC. Vietnamese agree to all USG requests including: improved cooperative planning for joint investigations, increased unilateral remains repatriations and serious cooperation to locate and make available wartime documents and records. Thach also agreed to assist in allowing access to witnesses of incidents where U.S. personnel were captured or casualties occurred, and to additional military participation during joint field activities.

Joint field activities and technical meetings continue—results continue to disappoint.

Vietnamese repatriate 17 remains.

1991:

April—U.S. policy concerning normalization of relations with Vietnam, the "roadmap," is presented to Vietnamese officials in New York. The "roadmap" outlined a series of quid pro quo steps the U.S. was prepared to take to improve U.S.-SRV relations and eventually lead to normalization.

The Vietnamese agreed to allow a temporary POW/MIA office in Hanoi during visit by General Vessey.

5 person office opened in Hanoi in July.

Vietnamese repatriate 27 remains (11 joint operations, 16 unilaterally).

1992:

Jan.—the 150 member Joint Task Force-Full Accounting (JTF-FA) was established. The JTF-FA was designed to combine all the specialties necessary to obtain the fullest possible accounting of our POW/MIA. The JTF-FA was placed under CINGPAC to allow the full resources of the theater commander to be brought to bear on this effort.

Feb.—General Vessey returns to Hanoi to assess progress on POW/MIA matters. During the visit, the Vietnamese presented the Military region TV shootdown records.

March—Assistant Secretary of State Solomon led a delegation to Southeast Asia during which the Vietnamese agreed to five steps: implementation of a short notice live-sighting investigation mechanism, access to records, archives and museums, repatriation of remains, trilateral cooperation, and expanded joint field operations.

October—Cheney and Eagleburger meet with the Vietnamese FM Cam in Washington and confront him with materials obtained from Vietnamese archives. General Vessey returns to Vietnam and the Vietnamese agree to aggressively collect and present to the USG POW/MIA related materials from all sources and consolidate it in military museums, thereby providing access to joint U.S. Vietnamese research teams.

December—Vietnam announces a formal amnesty program for private citizens holding remains.

Joint field operations continue to expand in scope and team number and size is increased.

Vietnamese repatriate 32 remains (24 joint operations, 8 unilaterally)

1993:

January—All requested live-sighting investigations and the initial investigation of all 135 remaining discrepancy cases are completed.

April—General Vessey leads a delegation to Hanoi during which the Vietnamese provide new documents and access to several key witnesses for interview including Lt. Gen. Tran Van Quang, reputed source of the Russians 1205 document. Vietnamese pledge continued cooperation, offer information refuting the Russian document and agree to all U.S. requests including continued support of joint field operations, increased archival access, repatriation of remains, and continued investigation of the remaining 92 discrepancy cases.

May—Senator Kerry leads delegation to Vietnam requesting continued cooperation and the Vietnamese agreed to his requests including the formation of a joint POW/MIA information center in Hanoi.

July—President Clinton decides to drop U.S. objections to Vietnam clearing its arrears with the International Monetary Fund. High-level delegation visits Vietnam and conveys President Clinton's requirement for tangible results from the Vietnamese in four key areas. The delegation was led by the Deputy Secretary for Veterans Affairs, Heschel Guber, and included Assistant Secretary Winston Lord and Lt. General Michael Ryan of the Joint Staff. The President's four areas of concern became the bench mark for cooperation and include the repatriation of remains; access to documents, trilateral cooperation, and continued investigation of live sightings and priority discrepancy cases.

September—President Clinton renews the trade embargo with Vietnam, but allows some modifications.

December—Assistant Secretary of State, Winston Lord, led an Interagency delegation to Vietnam to assess results in the four areas of concern. He reported cooperation was excellent and results have been achieved.

Joint field operations continue on the largest scale ever, cooperation by the Vietnamese receives high marks from JTF-FA.

Vietnamese repatriate 67 remains making 1993 the third largest year for remains since the end of the war.

GENERAL INFORMATION:

The remains of 231 Americans previously missing in Vietnam have been identified. Several hundred other remains have been repatriated, but not yet identified (many never will). The identification process is often time consuming and laborious. The delay in the positive identification of some remains is a function of the high standards of proof we require before making an identification, rather than a lack of Vietnamese cooperation.

Of the 1715 first hand live-sighting report received since 1975, 1634 (95%) are resolved. No reports require further field investigation in Vietnam. Vietnamese cooperation in this area has been excellent.

1196 (70%) relate to Americans who are accounted for (POW returnees, missionaries, jailed civilians, etc.)

45 (3%) relate to wartime sightings of military personnel or pre-1975 sightings of civilians who remain unaccounted for.

44 (26%) are fabrications.

The remaining 21 reports are under current investigation, but these do not require field investigation in Vietnam. Not all of these reports are Vietnam cases.

Archival research teams started work in November 1992 when the Vietnamese began making their military museum holdings available for review.

At the height of archival activity there were three teams located in Hanoi, Da Nang, and Ho Chi Minh City have shut down because they have completed the review of materials in those locations.

Nearly 24,000 documents, photographs, and artifacts have been reviewed with more than 800 items correlating to an unaccounted for American.

Joint Document Center has been established in Vietnam's Central Army Museum in Hanoi.

Oral History Program is designed to gain information from the memories of Vietnamese participants of operations during the war involving U.S. POWs or casualties.

More than 120 individuals have been identified for an interview, and over half of the interviews have already been conducted.

Priority Discrepancy Cases of "last known alive cases" are those cases where there is some indication that the serviceman was "last known alive" subsequent to their loss incident or was listed by their military service as POW at Homecoming but did not return during Homecoming.

A total of 196 individuals in this category were presented to the Vietnamese by General Vessey.

Total reduced to 135 by January 1992. The JTF-FA completed an initial investigation of all cases by January 1993.

We established a Priority Case Investigation Team in June 1993 to focus solely on the remaining priority discrepancy cases. This team has completed 34 follow-up investigations.

Policy review of additional information has resulted in a late determined status for 122 individuals of the original 196, as of January 1994. This leaves 73 priority discrepancy cases requiring further investigation.

24 individuals have been accounted for through remains identification and have been removed from the last of POW/MIA.

Although the other 99 individual members have been removed from the priority discrepancy list, they are still considered unaccounted for and remain on the overall list of 2,238. We will continue to search for their remains.

A Special Remains Team was formed in the fall of 1993 to focus on those cases where the possibility of remains recovery appears best. The team works continuously, independently of JFAs, in Vietnam and has thus far focused on those who died in captivity. This team has recommended seven reported burial sites for excavation.

Americans accounted for through remains identification: Vietnam—231 (including 1 recovered from indigenous personnel); China—2; Laos—59 (including 3 recovered from indigenous personnel); Cambodia—3; Total—345.

Americans unaccounted for in Southeast Asia: Vietnam—1,647; Laos—506; Cambodia—78; China—3; Total—2,238.

Mr. KERRY. I also ask unanimous consent that Progress on POW/MIA During 1993 be printed in the RECORD.

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

RE: PROGRESS ON POW/MIA DURING 1993 REMAINS

As of the end of the year, Joint Field Activities and the unilateral turnover of remains by Vietnam had resulted in nearly 67 remains, thus making 1993 the third largest year for repatriations since the end of the war.

Hanoi stepped up its publicity program for its remains amnesty program, offering reimbursement to its citizens for expenses incurred. Increasing numbers of Vietnamese are coming forward with information that may help locate American remains.

DISCREPANCY CASES

Since July 2, the work of the Special Priority Case Investigation Team has enabled us to confirm the death of 12 more individuals from the last-known-alive discrepancy list. With the help of the Vietnamese, we have now unofficially confirmed the death of 116 of the original 196 high-priority discrepancy case individuals.

DoD has conducted five live-sighting investigations since July 2. As of September 10, there were no live sighting reports that required filed investigation. A total of over 200 investigations, including some in prisons and military facilities, have produced no evidence that Vietnam is holding an American POW.

DoD has completed twenty-six joint US-SRV field operations.

DOCUMENTS AND ARCHIVES

Since July 2, the JTF-FA has received documents from two important wartime North Vietnamese military units—"Group 559," that deal with operations along the Ho Chi Minh Trail, and "Group 875," the General Political Directorate unit responsible for American POWs.

Of particular interest is the Group 559, Ho Chi Minh Trail shoot-down record. It provides information on many cases that will assist in their investigation. These documents are important in that they help confirm information we already have concerning North Vietnamese knowledge of aircraft losses along the Ho Chi Minh Trail areas as well as information we already have relative to prisoners known to have been captured. In the case of the 559 records, some of the information is new. In many cases the new information will provide important leads for future investigation. In some cases, it will help an-

swer questions about the fate of missing Americans.

TRILATERAL COOPERATION

In August, at the U.S.-SRV-LDPR Trilateral Cooperation Meeting in Hawaii, the Vietnamese and the Lao agreed to conduct coordinated simultaneous border-area operations with the U.S. in December, when the rainy season ends.

New Group 559 documents provided by Vietnam appear to be useful in the investigation of losses in the People's Army of Vietnam controlled areas of Laos.

In December, the first trilateral field activity was completed. While it is too early to access the results, Vietnamese cooperation was considered excellent.

JTF-FA

JTF-FA's mission is to provide the fullest possible accounting for the 2,239 individuals still listed as missing or otherwise unaccounted for in Southeast Asia. Of that number, 1,648 are unaccounted for in Vietnam, 506 in Laos, and 86 in Cambodia.

JTF-FA has completed five joint field activities (JFAs) in recent months. Two of the JFAs were in Vietnam, one was in Laos, one was in Cambodia and one was trilateral. Since June, JTF-FA teams in Vietnam and Laos have conducted operations in 16 separate Vietnamese and Lao provinces, investigated more than 300 cases, and excavated more than a dozen sites.

24TH JFA

The 24th JFA in Vietnam was conducted from June 24 through July 20. During this operation, team members investigated a total of 128 cases and interviewed 269 witnesses. Information provided by these Vietnamese citizens may be essential in determining the fate of missing servicemen.

The team also excavated five sites, resulting in the recovery of some human remains. Remains recovered during this operation were repatriated to the United States on August 4, and are undergoing analysis at CIL-HI.

Team members also recovered some material evidence including aircraft parts and aircraft equipment. That evidence is being analyzed to determine if it correlates to any of the task force's outstanding cases of unaccounted for Americans.

25TH JFA

JTF-FA conducted the 25th JFA in Vietnam from August 17 to September 20. During this operation, team members conducted 179 investigations and excavated eight sites. Again, some material evidence, along with some remains were recovered during the excavations. Other remains alleged to be those of American servicemen killed during the war were turned over to investigators by Vietnamese. These remains will be analyzed by CIL-HI experts to determine if they are potentially those of Americans before they are repatriated to the United States.

LAOS

JTF-FA conducted a Lao operation from July 16 to August 16. This was the fourth operation conducted in Laos in 1993, and the tenth since JTF-FA was established. During this operation, team members investigated 28 cases and excavated three sites. Some remains and material evidence were recovered during the operation and are being analyzed. Ninety-seven activities involving investigations, excavations, and surveys have been completed in Laos in 1993. Compared to previous years, the number of activities in 1993 has increased substantially. Fifty-one activities were completed in 1992, 20 in 1991, and 12 in 1990. Two additional operations are planned for October and December 1993.

In Cambodia, JTF-FA completed two operations in 1993 with 21 activities in the January and February period. However, only 7 were completed in March and April when operations were temporarily suspended after the team received incoming mortar and small arms fire from unidentified hostile forces. Two operations are planned for the remainder of 1993. A total of 19 additional activities are scheduled to be conducted during these two operations.

26TH JFA

The 26th JFA in Vietnam was the Vietnamese portion of the first trilateral field activity conducted from December 3-20, 1993. The team investigated 12 cases during the JFA and characterized Vietnamese cooperation as excellent.

Mr. KERRY. Mr. President, I also ask unanimous consent that the Biographical Summary and the letter of support from General Vessey be printed in the RECORD.

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

BIOGRAPHICAL SUMMARY FOR GENERAL JOHN W. VESSEY

General John W. Vessey began his 46 years of military service in 1939 as a private in the Minnesota National Guard; he ended it in 1985 in his second term as the Chairman of the Joint Chief of Staff of the United States.

He fought in North Africa and Italy in World War II and was commissioned a 2nd Lieutenant on the battlefield at the Anzio Beachhead in May 1944. President Reagan appointed him the tenth Chairman of the Joint Chiefs in 1982.

He had a long association with our North Atlantic Treaty Forces, serving a total of nine years in combat divisions in Germany, commanding a NATO-committed mechanized division stationed in the United States, and serving three years on the NATO Military Committee. He also had extensive experience in East Asia with combat service in Vietnam and Laos, and additional service in Thailand, the Philippines, and Korea where his last service was as Commander of the United Nations Command, Commander U.S. Forces Korea, and the first Commander of the Republic of Korea/United States Combined Forces Command.

His other senior positions included service as the Army's Deputy Chief of Staff for Operations and Plans and as the Vice Chief of Staff of the Army.

His military decorations include the Distinguished Service Cross, the Army, Navy, Air Force, and Defense Distinguished Service Medals, the Purple Heart, and medals from 19 friendly and allied nations. In 1992, he was awarded the Nation's highest civilian award, the Presidential Medal of Freedom, by President Bush. He is an Army Aviator.

He earned a Bachelor of Science Degree from the University of Maryland and a Master of Science Degree from the George Washington University. He is a member of the Honor Society of Phi Kappa Phi.

After retirement from active military service, he served on the Commission on Integrated Long-Term Strategy and the Moscow Assessment Review Panel. He serves on the Defense Science Board and on the Defense Policy Board. In 1987, he was appointed by President Reagan to serve as Presidential emissary to Hanoi on Prisoner of War/Missing in Action Matters. President Bush renewed his appointment in 1989, and he continues to serve in that post.

He serves on the Board of Directors of several industrial firms and on the boards of the

National Flag Day Foundation and Youth Services, USA. He is a member of the Board for Mission Services of the Lutheran Church—Missouri Synod.

Subject: Gen Vessey Statement Regarding Vietnam

1. General Vessey has OK'd the following statement:

In the past six years, Vietnam has made huge leaps in the direction we wanted them to go. Many of them moves that we in Washington thought would never be made. Among them:

Agreed to Joint Field Investigations of "discrepancy cases." We are in the sixth year of those investigations.

Agreed to joint live sighting investigations.

Returned several hundred sets of remains of missing Americans.

Got out of Cambodia and supported UN sponsored elections.

Released all re-education camp inmates.

Helped re-unite about 300,000 separated Vietnamese families.

Let us get Amerasian children out of Vietnam.

Let the U.S. set up a POW/MIA office in Hanoi.

Agreed to State Department officers in Hanoi with no reciprocal move.

Accommodated a variety of intrusive requests (such as going through prisons) by the USG and members of Congress.

Have allowed U.S. researchers unlimited access to the Defense Ministry Library.

I cite these Vietnam government steps not to urge rewarding them, but as a reminder that cooperation depends on confidence building steps. Lifting the trade embargo and moving forward in relations is not rewarding a heinous communist regime for past crimes! It is a move that will open Vietnam and move it toward democracy and free enterprise as well as help us reach our goal of fullest possible accounting.

This is the overriding reason for lifting the trade embargo. We now have the best cooperation we've ever had from the Vietnamese Government in searching for evidence about the fates of our people. Maintaining the embargo will not improve that level of cooperation, but rather will probably lessen it. To achieve fullest possible accounting, we will need the help of local authorities, the Vietnamese Veterans, and the Vietnamese people. Let me point out that lifting the trade embargo is not granting a favor to American business at the expense of the families of the missing and the Veterans. It is, rather, the surest way to further the cooperation we need to get fullest accounting.

Mr. KERRY. Mr. President, I want to underscore one of the important ways in which the current system is working and why this cooperative effort is so important. My colleague has consistently raised some question of the sufficiency of digging and how we are going at this and what we do.

A couple years ago some of the most disgruntled people in this effort, either in families or in some of the POW activist groups, were saying we are not getting at these cases. We do not have a way of determining what happened to people. We are not following up on the live-sighting report, and so forth.

We went over and started negotiating that, and we began to try to deal with those concerns. We got helicopters capable of taking us out in the field so we could follow up on a live-sighting report. Lo and behold, after the live-sighting report started to show we

could not find Americans or they never have been there or they went there. All of sudden that process became irrelevant and it was not important. Step by step, every time there have been sort of barriers set up and we have been able to deal with the barrier and remove it. Then there is a new issue. Now the new issue is the Vietnamese are not turning over everything. That is a new issue. Intelligence reports or some old reports taken out of context or something, and people say here is the effort but it is not real evidence.

The truth is we do not know specifically whether or not they have a document today or do not have a document today. We can surmise. We can think they may. We can conjecture. But we do not know. We will not know ever, unless we get it from the Vietnamese or from someone in this country who happens to truly know about it or be able to show it by virtue of having been there or can take us right to it.

So what we are talking about here, how are we going to prove these cases. Let me give you another example. A few days ago in Military Region 9, the southern portion of Vietnam, an area called you Phu Vinh Forest, an area where I was fighting, down in the delta—this forest was particularly an impenetrable forest area. During the time I was there an NVA regiment was working and operating there. We lost some people there.

Recently, the Vietnamese themselves came up with nine people that they presented to us who had been in this Phu Vinh Forest area during the war at the very time we had lost these people. And these were people who were part of the cadre there who said, oh yes, we remember that incident. They were buried. This is the kind of place where they are buried and we will take you there.

So, a bunch of people came down. They went in. They searched around. They found three sites that they think may be the sites. They also learned that a doctor had treated one of these people and apparently this doctor is in Cambodia, so they are now helping us find the doctor in Cambodia.

Now, hopefully that effort is going to produce results. I cannot tell you it will today. Nobody can. It is in the past. The Vietnamese have returned more than 600 remains; 269 of those remains have been confirmed as United States remains, United States soldiers, and another 100 are determined that they could be United States, we do not know for certain yet. Now, we hopefully will discover these other people.

But the point I make, Mr. President, is very simple. If the Vietnamese did not find nine people, if they did not cooperate in finding the doctor, if they were not part of this process, we would not be able to get answers. And that is true of every aspect of this.

My colleague complains that we are having to pay a lot of money for this. We are paying a lot of money. But I am not too sure what people expect. Do

they expect us to make the demand that we have to go in there for the most expensive and extensive effort to find answers in history and the Vietnamese are going to pay for it?

It seems to me the key question before us is whether or not we have the ability to get ultimately the fullest accounting process possible, recognizing what Senator CHAFEE said, that his friend from World War II who died while he was at Guadalcanal was only found a year and a half ago, 50 years later.

I am confident that we are going to be struggling with aspects of this issue years from now. My prayer and hope is that we will have kept faith with veterans, with families, and that we will have done what is necessary to find the answers, not to shut the door in our own faces.

I will have more to say on that tomorrow morning.

Mr. President, I am prepared to yield back the remainder of our time and I believe we will abide by the previous order.

Mr. LEAHY. Mr. President, it has been more than 30 years since the first American soldier arrived in Vietnam, and almost two decades since the last American soldier came home. Over 43 million Americans, and over half the population of Vietnam, were not yet born when the war ended.

The Vietnam war was a monumental tragedy for both our countries. More bombs were dropped on Vietnam than in World War II and the Korean war combined. Over 58,000 American soldiers, and over 2 million Vietnamese, so many of them civilians, died. For Vietnam, the American war was only the last chapter in a long history of violent conflict, beginning with the Chinese, the Japanese, and the French. Today, Vietnam remains among the poorest countries in the world, with an average per capita income of a few hundred dollars a year.

We went to Vietnam believing we were invincible, only to see our country torn apart over the war. We came home stunned that our enormous firepower could not defeat such a tiny foe. Yet, despite that experience, we are today the world's only superpower.

In the 18 years since the Vietnam war, each of us who was alive then has dealt with the legacy of Vietnam in our own way. When I came to the Senate in 1974, I promised myself that I would do everything possible to prevent our country from making such a terrible mistake again. I became the only Vermont senator serving in the Congress to vote to end the war.

I have also found ways to help our Vietnam veterans, for whom I have the greatest respect, and I have supported efforts to locate the remains of our POW/MIA's. For example, we provide assistance through the foreign aid bill to help locate remains of POW/MIA's.

I started a fund in the foreign aid program that has been used to aid Vietnamese who were disabled from war

injuries. Those funds have been used to make artificial limbs for some of the more than 60,000 amputees in Vietnam, regardless of which side they supported in the war. We have also given aid to orphans in Vietnam.

Throughout this period, United States-Vietnamese relations have stayed essentially in limbo. Diplomatic relations have remained severed. The United States has kept its trade embargo against Vietnam, and Vietnamese assets are still frozen. In a very real sense, although the last shot was fired long ago, the Vietnam war has not yet ended.

This is so despite the end of the cold war which got us into Vietnam in the first place, the disintegration of the Soviet Union, and even as we give billions of dollars in aid to Russia and most-favored-nation status for China.

Mr. President, I support this amendment. The embargo is an anachronism, and it is self-defeating. It has been maintained primarily because of the POW/MIA issue, but I am convinced that by maintaining the embargo we only prolong the ordeal of finding out what happened to our remaining POW/MIA's.

We also impede many other United States interests in Vietnam—interests in the stability of Southeast Asia, in promoting democracy and human rights, and in expanding economic markets for American business.

In a world dramatically different from when we left Vietnam, our challenge today is to devise a policy towards Vietnam that has the best chance of furthering these interests, and to finally put the tragedy of the war behind us.

None of us will be completely satisfied until every thread of evidence that might contain a clue about what happened to our POW/MIA's has been pursued. There is no doubt that the Vietnamese Government has not always been forthcoming or consistent about the information in its possession about our POW/MIA's. It has withheld information in an effort to gain advantage or to obtain concessions from us.

But this thorny issue is not black and white. Only this year did our Government turn over several million pages of United States-held documents that will help the Vietnamese solve some of their own 300,000 MIA cases.

After 18 years, are continued diplomatic isolation and economic sanctions likely to cause Vietnam to do what it has not done during all that time? Or is the Vietnamese Government more likely to change through greater political, diplomatic, economic, and social contacts with the United States?

The truth is that the past policy of denying Vietnam the benefits of diplomatic relations and trade produced little results. Yet in the past 2 years, progress on the POW/MIA issue has been dramatic. Why? Because of the efforts by President Bush, General

Vessey, and President Clinton to encourage cooperation.

We now have a permanent POW/MIA office in Hanoi. Our people have access to all military museums, and have been to the prisons. They have looked into every live sighting report. Americans are working closely with Vietnamese to resolve remaining questions about these cases. Our people are in the jungles of Vietnam today searching for remains. Over the past year, 60 sets of remains have been repatriated. We have received thousands of documents and artifacts, and the number of discrepancy cases has been reduced from 196 to 80. Those remaining 80 cases are being investigated.

All of this has happened in the past 2 years, because we gave the Vietnamese incentives to cooperate. According to the deputy commander of the United States task force in Hanoi, "When we started there was suspicion and mistrust. We've worked long and hard to develop a sense of mutual trust * * *. It's mind-boggling how much cooperation we now have * * * [The Vietnamese] are doing their best to cooperate with us."

Mr. President, we cannot keep punishing Vietnam forever. We will only jeopardize the very process we want to encourage as we continue to inflict hardship on a society that has suffered terribly for generations.

There is much that needs to change in Vietnam. Gross human rights abuses, including arrests of political dissidents, arbitrary detention, unfair political trials, torture and abuse of prisoners in forced labor camps continue. Until there is substantial improvement in human rights, relations between our countries will suffer.

There is abundant evidence that Vietnam is involved in the thriving Asian black-market trade in endangered species. Vietnam is a wholesale supplier for tigers, leopards, and other rare species. Many of these animals are protected under Vietnamese law and international treaty; but enforcement is almost nonexistent.

But I believe that even in human rights and other areas in which we differ, Vietnam will change more through increased contact with the west than from further isolation. If the Vietnamese Government wants the benefits of trade, it will have to accept the influx of foreign business and all the changes it inevitably brings. The Vietnamese Government cannot on the one hand participate in the global economy, and at the same time censor every conversation, magazine, or radio broadcast it disagrees with.

If Vietnam wants to be treated as an equal, it cannot continue to engage in activities that are abhorrent to the international community.

Mr. President, during the Vietnam war America's leaders said time and again that we were fighting to protect democracy, but our actions often belied those words, and in the end we failed.

When the fighting stopped, Vietnam was no closer to being a democracy.

Today, as we strive to make democracy and human rights a central goal of our foreign policy, we need to recognize that the policy of isolating and punishing Vietnam has failed. But just as on the POW/MIA issue, we can make progress in other areas by giving Vietnam incentives to change. Lifting the embargo is one incentive. Diplomatic recognition is another. We have many ways of using leverage through our foreign aid program, and our position in the multilateral development banks.

So, Mr. President, there are many ways that we can encourage Vietnam to deal with the POW/MIA issue and many other differences. But the embargo is a vestige of a war that should never have happened, and of a policy based on ignorance, lies, confusion, and weakness. We owe it to ourselves, and to the Vietnamese people who never wanted a war with us, to finally show that for us, like them, the war is finally over.

MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

COMMUNITY POLICING

Mr. DOLE. Mr. President, no one can dispute the need to put more police officers on the street. More police usually means more security.

Nevertheless, an article appearing in today's New York Times demonstrates that the concept of community policing, which is the centerpiece of the Clinton administration's anticrime efforts, may sound good in theory, but in practice, it is far from perfect.

According to the article, thousands of New York City police officers who are engaged in community policing do not work during those time periods when crime is most prevalent—on weekends and late at night. The article also cites high turnover rates, poor training, and the lack of coordination among community police officers and the other agencies within the New York City police department.

Those who beat the community-policing drum should read this article. As the New York City experience demonstrates, community policing certainly has its strong points, but the jury is still out on its effectiveness in fighting crime.

Mr. President, I ask unanimous consent that the New York Times article be inserted in the RECORD immediately after my remarks.

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

COMMUNITY POLICE OFFICERS CITED ON HOURS AND TRAINING (By Alan Finder)

The thousands of New York City officers working in community policing do not work enough weekends or late at night and are not coordinating well with other police units and other city agencies, according to nearly two dozen internal police reports that analyze the program.

The 22 reports, prepared from November 1992 to August 1993, do not represent a wholesale indictment of the Police Department's major tactical shift to community policing, which was introduced by Dinkins administration three years ago. The reports, in fact, seldom draw broad conclusions.

But in small, often mundane ways, the reports outline significant problems with the long-term effort to make the 30,000-officer department more responsive to community concerns and more attuned to preventing crime than just responding to it.

The internal reports, which were made public earlier this week after an article about them appeared in The Daily News, were prepared by former Assistant Chief Aaron H. Rosenthal. He was assigned in November 1992 by Raymond W. Kelly, who was then the Police Commissioner, to critique how well the Police Department was adjusting to community policing. Both Mr. Rosenthal and Mr. Kelly have now left the department. Mr. Kelly earlier this month and Mr. Rosenthal last summer.

"I wanted the unvarnished truth," Mr. Kelly said in an interview on Monday, explaining why he had asked for the reports. "We recognize that everything in community policing is not going to work." Last February, in fact, Mr. Kelly and Mr. Rosenthal said publicly that the transformation to community policing has been hampered by a lack of follow-up training. They said they expected to identify other problems in the transition and intended to make adjustments.

These are among the major findings in Mr. Rosenthal's reports:

WEEKENDS

Not enough of the more than 3,000 officers who are specifically assigned to walk a neighborhood beat are working on weekends, several of the reports say. Community policing gives individual officers considerable flexibility in determining their schedules; they are supposed to work shifts that best enable them to confront the problems of the people on their beats.

The problem, Mr. Rosenthal wrote, was that many of the most pressing criminal and quality-of-life problems highlighted for attention by the community police officers themselves in their internal reports did not take the weekend off, and neither should many of the officers.

"One issue that still needs to be addressed is the sparse coverage that continues to exist on the weekends," he wrote in a report last May. He repeated the criticism in a report last July.

In the study last May, Mr. Rosenthal examined the records of five officers and a supervisor in each of nine precincts during the first three months of 1993. He found that 78 percent of the officers were off routinely on Sunday and 61 percent were off on Saturday.

In a related finding, Mr. Rosenthal said that narcotics officers did not work on Sunday and that they made few arrests after 6 P.M. These hours do not reflect the concerns of the neighborhood about drug activity at nights and on weekends. Senior police officials said that undercover narcotics officers can work more safely during daylight, because backup officers can see them better. Mr. Rosenthal wrote.

TRAINING

In-service training of community police officers at the city's 75 precincts "has been a dismal failure, primarily due to an overall bias attitude on the part of management which has filtered down to the attendees," according to a report written on Jan. 19, 1993.

Mr. Rosenthal did not say in that report how or why he came to the conclusion, but he did recommend that the Police Academy train precinct supervisors and then monitor the in-service training at each precinct.

In two reports the next month, Mr. Rosenthal described visits to four precincts that were made by members of his staff. In three of the four instances, Mr. Rosenthal's staff found appropriate training taking place. The officers conducting the sessions were well prepared and informative, he wrote.

But at one precinct, the Seventh, in Manhattan, no training was taking place at the designated hour. It began only after Mr. Rosenthal's staff member raised questions, and the officer running the session was ill prepared and the session was disjointed. Mr. Rosenthal wrote.

In another report, this one last June, he examined the records of in-service training sessions at 15 precincts selected at random. Mr. Rosenthal concluded that the record-keeping was inadequate, with the result that some officers were exposed repeatedly to the same topics and not exposed to other subjects.

TURNOVER

Turnover of officers assigned to community policing appears to be high, and Mr. Rosenthal suggests in one report that it may be tied to a lack of incentives to remain in the new units.

In an analysis last February of community police officers in seven precincts, Mr. Rosenthal determined that between October 1990 and February 1993 a total of 32 sergeants and 326 officers were newly assigned to community policing units.

In the same period, 13 of the 32 sergeants, or 40 percent, and 119 of the 326 officers, or 36 percent, left for other police assignments.

Mr. Rosenthal does not say directly why he thinks so many officers are leaving community policing. He does say, without elaborating, that the department needs a rewards system to keep officers walking their beats. In another report, in April 1993, he reports on a survey of 15 precinct commanders, who were asked what problems they had encountered with community policing. Eight of the 15 said the top problem was a "lack of incentives to retain qualified community police supervisors and officers."

More traditional forms of policing, including riding in a patrol car, apparently leads to more arrests and to traditional kinds of advancement in the department.

COORDINATION

Mr. Rosenthal concluded that community police officers often did not coordinate well with other police units, including detectives, narcotics officers and auxiliary police officers, or with some other city agencies. In a report last August, he said that six precincts identified traffic congestion, and particularly illegal parking, as a local problem, but then did not consult with city traffic agents about solutions.

In a report last April, he cited precincts that had identified prostitution as among their communities' biggest problems. But community police officers often did not work late at night, when prostitutes were most evident on the street, and they did not make many of the prostitution arrests made within their precincts. Mr. Rosenthal wrote. Often uniformed officers and officers from the public morals division made most of the arrests, he contended.