Louis lived his entire life in Newmarket, NH, and he shared his last 46 years with his wonderful wife, and my close friend, Lois. Together they had seven children, Judy, Jeanne, Janie, Joanne, Janet, Jill, and Louis. For those 46 years Louis also owned and operated a small business side-by-side with Lois. ''Beaulieu and Wife Auto Towing and Salvage'' was the name Louis gave his business, illustrating his clever wit and unpretentious personality.

Louis left his hometown of Newmarket to serve his country during World War II in the U.S. Army. He was stationed in Bremen, Germany where he was in the counter intelligence corps as well as a French language interpreter.

Louis' patriotism and sacrifice for freedom was further exemplified by his membership in the American Legion and the Veterans of Foreign Wars.

He served his community as a member of the Newmarket Lions Club and the Newmarket Historical Society, and tirelessly devoted his energy to the Amos Tuck Society, New Hampshire Right to Life, Gun Owners of New Hampshire, the National Rifle Association, the National Federation of Independent Business, the National Chamber of Commerce, and the Portsmouth Chamber of Commerce, and, of course, the campaigns of BOB SMITH as Congressman and Senator.

Louis was a hardworking small businessman, a devoted husband and dad, a veteran, and a dedicated community leader. Louis was also a bedrock conservative and was one of the first people who supported me back in the early days when it was ''BOB who?'' Lois and Louis were both confident that I would win a seat in Congress and bring our brand of yankee conservatism to the ways of Washington. Without their efforts, I would not be serving here today in the Senate realizing my dream—and theirs.

Louis did it all—he made signs, passed out brochures, raised and gave money, attended rallys, hosted events, and campaigned tirelessly for me over the years—always with his wife, Lois, at his side. He did it all with humor, grace, and sincerity and he never asked for anything in return. He was the essence of everything good about America, and everything good about politics. He cared, and he worked tirelessly to make America a better country. And he succeeded in doing just that.

When we lost Louis, we lost a true American patriot, and a very special man. Lois lost a devoted husband, the children lost a wonderful father, and I lost one of my best friends.

I will miss my friend very much. Without the sacrifices that Louis made on my behalf, as I said, I would not be here in the U.S. Senate.

I will do my best in the remaining years that I serve here to strive to remain worthy of the faith, trust, and confidence that Louis Beaulieu had in me, and I will continue to work for the same values and the same principles that Louis so long espoused. In so doing, his legacy will live forever.

Louis Beaulieu, ''thanks for the memories'', and the friendship.

Madam President, I ask unanimous consent that a tribute written about Louis' wife, Lois, on the eve of his passing be printed in the RECORD.

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

THE LEGACY OF LOUIS BEAULIEU

(By Lois Beaulieu, March 25, 1995)

My Louis is a legend in his time; he left us a legacy of hope, love, patience and perseverance. And he planted so may seeds in us all. They will be nurtured and grow with his memory and his spirit which is all around us and will live forever.

Louis goes far and wide, deep and lasting in our memories and our hearts forever.

Family, friends and loved ones are being cleansed and there is a healing process so miraculous he would be proud.

He was a good husband, father and friend to all who knew him.

Our life together was a beautiful adventure in all we did together. We laughed and loved and cried but always together, good and bad, mostly all good. The memories—oh so many memories—he left with us all.

God, thank You for our 46 years together. I know we all belong to You and someday You will call us home to be with You and Louis.

Thank You God for our seven beautiful children: our Judy, Jeanne, Janie, Joey, Janet, Joanne, and Jil. Our seventeen grandchildren: Laura, David, James, Jason, Joshua, Javelle, Jamie, Jennifer, Jeremy, Shelby, Mark, Joseph, Jayne, Manny, Joel, Jacob and three great-grandchildren that Louis lived to see and hold and rock: Lucas James, Sadie Anne and 3-week-old Sarah Beth. Oh how he loved his family.

He was a proud man and so proud of his wife and told me so often. So, so proud of his bag family and bragged about them all the time.

So proud of his business, Beaulieu and Wife we built from the bottom up. He was a great worker, a great lover, a great father, grandfather and great grandfather and—yes—even Santa Claus.

He was also a great friend and pal and buddy to all who knew him.

He loved life, he loved living, he loved working, and he loved his wife and family.

Louis loved his God and Savior Jesus Christ. He is truly a legend, a one of a kind.

He is imbedded in our hearts forever. His spirit is alive and well and we feel his presence always around us.

Au Revoir, my love, your wife forever and ever—until we meet again—Lois.

Mr. SMITH. Thank you, Madam President.

PRESIDENT STONEWALLING ON AMERICAN POW'S AND MIA'S

Mr. SMITH. Madam President, I want to turn to a subject that has long been an area that I have worked on over the years, and I have come to the Senate floor today to report to my colleagues and to the American people on what I consider to be a very disturbing track record by the administration on the issue of unaccounted for American POW's listed as missing in action.

Many of my colleagues are well aware of the deep concern that I and others have had on the POW/MIA issue as a result of some of the previous debates we have had in the Senate concerning United States policy toward Communist Vietnam. But I do not think some of my colleagues or the American people are generally aware of the extent to which this administration is continuing to stonewall and drag its feet in efforts to resolve key questions on this POW/MIA issue. Although the administration's rhetoric might suggest otherwise, the facts show that many leads which could resolve the uncertainty of our missing are not being pursued with vigor.

That is a sad statement to have to make, Madam President. But it is true. And in some very important areas information is deliberately being withheld from Congress in addition to information still being withheld by Communist countries abroad.

This is an outrage, Madam President. It is bad enough that Communist countries are still withholding information about the remains of our servicemen after all these years. But when our own Government deliberately withholds information that would shed light on this issue, it is especially outrageous. It is a very serious comment to say that our own Government is deliberately withholding information. But I am going to prove that on the floor of the Senate as I continue my remarks, because of the administration's actions and inactions which I shall explain in detail in a few moments.

Communist Vietnam, Communist Laos, Communist North Korea, and Communist China are all being let off the hook on key questions regarding missing American servicemen and women.

As a Vietnam veteran who served this country in the United States Navy, and as a member of the Senate Armed Services Committee, I find the administration's track record on this issue deeply offensive. I am going to explain why. But before I do, I think it is important for people to have a perspective of where I am coming from on this issue.

Many of my colleagues have worked on this issue in the past. Many are familiar with some of the things that I have done. I do not think I would be presumptuous if I said that I considered myself to be somewhat of an expert on this issue. I have worked on it for 11 years. Before coming to the Senate in 1991, I spent 6 years in the U.S. House of Representatives where I was a member of the POW/MIA Task Force, and there I worked to get access to my own Government files that they had in their possession to the families of the missing.

When I came to the Senate in 1991, I introduced legislation which ultimately formed the Select Committee on POW/MIA Affairs. Along with Senator KERRY, I cochaired an 18-month investigation by this committee which sunset at the end of the Bush administration.

Our work has been criticized, and some of that criticism is justified. However, I do not think anyone would dispute the fact that our committee played a pivotal role in helping to open many of our Government's files on the POW/MIA's from the Vietnam war. We held numerous hearings, deposed hundreds of witnesses, and learned a great deal about policy decisions that were made on the POW/MIA issue at the end of the Vietnam war.

I am convinced that our work on that committee forced the Government of Vietnam to do more than to resolve to the issue, and, although I am not convinced that Vietnam has done enough, obviously, it did move them and our own Government in the right direction.

Our committee also helped jump start the establishment of a joint commission with Russia which has been researching cold war shoot-downs along with the plight of the Korean war and the Vietnam war POW/MIA's.

I know my colleagues would agree with me that our Government owes just as much to the families from those wars as they do to the Vietnam families.

The Korean and cold war families have been forgotten, Madam President.

I have traveled to Russia on two occasions to hold talks on this issue. I was the first United States Senator to travel to Pyongyang, North Korea, and I went there for the sole purpose of discussing POW/MIA's. In fact, I have been to North Korea twice to discuss this issue. I brought back 11 remains of our servicemen on one of these trips from Korea.

Finally, I have been to Vietnam five times in the years that I have been in Congress, and two of those trips were with Senator JOHN KERRY of Massachusetts.

I point all of this out not to draw to attention to my efforts—I do not want any attention drawn to my efforts—but to underscore that when there is an attempt to dupe those of us here in the Congress by the administration on information, I do not intend to be duped. I continue to follow this issue closely. I know what the President has done, and, more importantly, I know what he has not done. And he knows that I know what he has not done.

When the Senate Select Committee on POW/MIA Affairs sunset in January 1993—and I might add we had to fight for the funding just to keep it going that long—we stated the following in our final report:

> With this final report, the committee will cease to exist, but that does not mean that our own hard work on this issue will also end. To the extent that there remain questions outstanding that are not adequately dealt with by the Executive Branch, we will ensure that these questions are pursued.

Let me now explain those issues that are not being adequately dealt with by the executive branch, in my judgment. I have here a chart. This is a summary of several POW/MIA-related provisions from last year's National Defense Authorization Act.

I want the American people to know that this act was signed into law by the President of the United States, Bill Clinton, on October 5, 1994. It is the law of the land. This is not BOB SMITH's opinion. This is not a congressional resolution. This is the law of the land signed October 5, 1994.

And these POW/MIA provisions that were in this bill right here, those provisions had bipartisan support in this Congress. And, as you know, in 1994 it was the other political party who controlled the Congress. So that further exemplifies the bipartisan support of this legislation.

When something is signed into law by the President, the administration has a responsibility to adhere to it—it is the law—not in a manner that they deem appropriate, but in the manner prescribed in the law. It is now a year later. It is October 1995, 1 year since this law, the Defense Authorization Act, went into effect. I think it is appropriate for us to review whether the administration has fully complied with that law.

Section 1031 requires the Defense Department to assist Korean war and cold war POW/MIA families seeking information about their loved ones. Specifically, the Secretary of Defense was required to designate a point of contact for these families that would assist them, the families, in obtaining Government records on their loved ones and ensuring that these records were rapidly declassified.

This past week I received the following letter from the Korean/Cold War Family Association of the Missing concerning the Defense Department's compliance with this law. I want to read it into the RECORD because it is very disturbing.

[Dear Senator SMITH:]

In response to your letter of today's date, I shall herewith attempt to answer in what manner the Defense Department has complied with Section 1031 [right here] of last year's National Defense Authorization Act by the numbers.

1. Establish an official to serve as a single point of contact for immediate family members of Korean/Cold War MIA/POW's.

That is one of the provisions:

In October, 1994 our association began our requests from the DPMO [or the office of POW/MIA's in the government] to name our Single Point of Contact. Jim Wold [who heads that office] insisted that as the Director of DPMO he was automatically our Single Point of Contact. Once we convinced Mr. Wold that it was feasibly impossible for him to act as such, he agreed to appoint a suitable person. In the first quarter of 1995 we were informed Dr. Angelo Collura would serve as our Point of Contact along with two assistants and at that time were given his phone number. Our ability to reach Dr. Collura by phone has been sporadic at best. On too many occasions, when we were finally able to contact Dr. Collura for follow up to previous requests, Dr. Collura stated he was not able to follow through on questions because he was ''pulled off Korean/Cold War to work on Vietnam War.''

2. To have that official assist family members in locating POW/MIA information and learning how to identify such information. We were told explicitly that it was up to the families to locate the information ourselves because 1. DPMO was not tasked to do it and 2. DPMO did not have the assets to do it. So obviously we have had no assistance in this. When questioned on the matter, we were referred to the DPMO contract with the Federal Research Division of the Library of Congress. This contract was for the FRD to ''gather, copy and deliver to DPMO'' documents pertaining to Korean/Cold War POW/MIA held in U.S. archives and agencies. As of July, 1995 20,000 pages have been gathered, copied and delivered to DPMO for families to review. There has been no effort to forward specific case pertinent information to the individual families because no one in DPMO is tasked to do so. This haphazard, certainly overly expensive, redundant method of research was DPMO's intent to comply with an entirely separate section of law. Do we feel assistance has been provided? No.

3. To have that official rapidly declassify any relevant documents that are located? Dr. Collura stated it was not his job to declassify documents and he was getting no cooperation from the section of DPMO whose job it was to declassify documents. ''They are too busy with Vietnam,'' or ''DPMO can get no cooperation from the agency which originated that document.'' To date I know of no documents which have been declassified by our Single Point of Contact.

They go on to say, in conclusion:

Can you tell me what they do other than to spend over $13 million annually ignoring not only the spirit of the laws passed but the very laws themselves? Surely a private business, contracted for half that amount of money, could comply with all the sections of the 1995 Defense Authorization Act pertaining to POW/MIA's and getting information to the families.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

KOREAN/COLD WAR FAMILY
ASSOCIATION OF THE MISSING,
Coppell, TX, October 23, 1995.

Senator BOB SMITH,
c/o DINO CARLUCCIO.

DEAR DINO: In response to your letter of today's date, I shall herewith attempt to answer in what manner the Defense Department has complied with Section 1031 of last year's National Defense Authorization Act by the numbers.

1. *Establish an official to serve as a single point of contact for immediate family members of Korean/Cold War POW/MIAs.* In October, 1994 our association began our requests for DPMO to name our Single Point of Contact. Jim Wold insisted that as the Director of DPMO he was automatically our Single Point of Contact. Once we convinced Mr. Wold that it was feasibly impossible for them to act as such, he agreed to appoint a suitable person. In the first quarter of 1995 we were informed Dr. Angelo Collura would serve as our Point of Contact along with assistants and at that time was given his phone number. Our ability to reach Dr. Collura by phone has been sporadic at best. On too many occasions, when we were finally able to contact Dr. Collura for follow up to previous requests, Dr. Collura stated he was not able to follow through on questions because he was ''pulled off Korean/Cold War to work on Vietnam War.''

2. *To have that official assist family members in locating POW/MIA information and learning how to identify such information.* We were told explicitly that it was up to the families to locate the information ourselves because 1.

DPMO was not tasked to do it and 2. DPMO did not have the assets to do it. So obviously we have had no assistance in this. When questioned on the matter, we were referred to the DPMO contract with the Federal Research Division of the Library of Congress. This contract was for the FRD to ''gather, copy and deliver to DPMO'' documents pertaining to Korean/Cold War POW/MIA held in U.S. archives and agencies. As of July, 1995 20,000 pages had been gathered, copied and delivered to DPMO for families to review. There has been no effort to forward specific case pertinent information to the individual families because no one in DPMO is tasked to do so. This haphazard, certainly overly expensive, redundant method of research was DPMO's intent to comply with an entirely separate section of law. Do we feel assistance has been provided? No.

3. *To have official rapidly declassify any relevant documents that are located?* Dr. Collura stated it was not his job to declassify documents and he was getting no cooperation from the section of DPMO whose job it was to declassify documents. ''They are too busy with Vietnam.'' or ''DPMO can get no cooperation from the agency which originated that document.'' To date I know of no documents which have been declassified by our Single Point of Contact.

Dino, I still do not know what our Single Point of Contact, Dr. Collura does other than to be ''pulled off the Korean/Cold War POW/MIAs to work on Vietnam War POW/MIAs'', but then after three years of DPMO, I still do not know what DPMO does. Just today I was told by DPMO that it was not a central point of documentation for POW/MIAs. Can you tell me what they do other than to spend over $13 million annually ignoring not only the spirit of the laws passed but the very laws themselves? Surely a private business, contracted for half that amount of money, could comply with all the sections of the 1995 Defense Authorization Act pertaining to POW/MIAs and getting the information to the families.

Again, thank you for your assistance. Without your help, the men and their families would still be in the limbo of 1954. Please see attached final form letter sent to all the families.

Most sincerely,

PAT WILSON DUNTON,
President.

HEADQUARTERS, U.S. AIR FORCE,
Washington, DC, April 16, 1954.

Mrs. GERALDINE B. WILSON,
MacDill Air Force Base, Tampa, FL.

DEAR MRS. WILSON: Reference is made to the letter from General McCormick notifying you that the missing status of your husband has been terminated. In order that you will have all the information presently available to us, I would like to advise you regarding the possible recovery of his remains for return to the United States.

The truce agreement reached with the Communist forces provides for certain activities in connection with the recovery of remains of our honored dead from Communist-held territory. It also provides that the specific procedures and the time limit for the recovery operation shall be determined by the Military Armistice Commission. Until the necessary arrangements for the operation have been completed, we will not know when recovery and return of remains can be initiated.

I appreciate the anxiety you are experiencing, and regret that no information other than that which as now been furnished you is available at this time. You may be sure, however, that we will notify you immediately when further information becomes available.

If I may assist you with any unusual problems or circumstances regarding the above matter, please do not hesitate to contact me. Correspondence should be addressed as follows, to insure prompt delivery to my office:

Director of Supply and Services, Attention: Mortuary Branch, Headquarters, United States Air Force, Washington 25, DC.

Please accept my sincere sympathy in the great loss you have sustained.

Sincerely yours,

L.F. CARLBERG,
Colonel, USAF.

EXECUTIVE SUMMARY

The Secretary of Defense established the Defense Prisoner of War/Missing in Action Office (DPMO) in July 1993 to provide centralized management of prisoner of war/missing in action (POW/MIA) affairs within the Department of Defense. Creation of the office brought together four disparate DoD offices that had been working in the POW/MIA arena for varying amounts of time.

In August 1994, the Director, DPMO, on his own initiative, requested an evaluation of his office by the Deputy Assistant Inspector General for Program Evaluation (PED). We focused our initial work on assessing the processes that provide definition, direction, and structure for the organization. We found that well developed processes in these areas were not yet in place. Specifically, we found that: basic missions and tasks were not well defined or communicated within the organization; no strategic planning process was in place; and the organizational structure was turbulent, poorly defined, and not consistent with current policy guidance regarding organizational layering.

After documenting these observations and providing a briefing to the Director in December 1994, we redirected our work to provide constructive suggestions on defining mission and tasks, establishing a planning process, and structuring the organization at the DPMO. The results of that work are presented in this White Paper and summarized in the paragraphs that follow.

DEFINING MISSIONS AND TASKS

In defining its missions and tasks, the DPMO faces challenges posed by the broad nature of its charter, the different institutional backgrounds of the office's components, and the divergent nature of its internal and external clients. Overcoming these obstacles first requires recognition of the conflicting perspectives that clients and components bring to bear on the operations of the agency. We suggest putting together a specific statement of the organization's purpose and translating it into some general goals as a way to produce awareness of where groups differ on attacking a common problem. This process can also contribute to communication and help foster commitment to the goals that are ultimately established. Only the members of an organization can validly formulate its goals, and the process should incorporate a wide range of input and discussion. However, we do provide some illustrative general goals for DPMO to facilitate our discussion. We recommend finalizing the draft instructions on Missions and Functions as a good vehicle for documenting the results of this effort.

STRATEGIC PLANNING

Carrying out the missions and tasks established by the DPMO means setting up a good planning process. This involves translating the established purposes into more specific objectives or initiatives. Formulating these specific objectives should take into account the internal and external environment and attempt to identify strengths and weaknesses of the organization. The process should also account for the resources needed to reach the objectives and determine ways to measure progress towards achieving objectives. We point out the strategic planning guidelines set forth in the Government Performance and Results Act and urge the DPMO to adopt this model. We suggest that planning efforts should start small and need not wait until full developed strategic plans are in place. We also recommend that the organization adopt performance measures that are simple to apply and linked to the budget process.

ORGANIZATIONAL STRUCTURES

In our discussion of organization structure, we recommend that the DPMO refrain from any ad hoc structural changes until it makes a more systematic assessment of its organizational needs. We analyzed three general alternative ways to divide the work and the assignment of responsibilities and authority in the DPMO:

Alternative 1: The Current Structure With Well Defined Mission and Tasks.

Alternative 2: A matrix-type structure using task forces for specified activities.

Alternative 3: A structure that allocates a significant portion of the work load and responsibility structure by geographic region.

Criteria we present for analyzing structures include clear lines of authority and responsibility, decentralization where possible, and congruence with the strategy of the organization. In formulating the alternatives, we assume that all current functions will remain with the DPMO. The description of each alternative includes any assumptions made concerning the work processes at the DPMO. We believe the alternatives presented are viable alternatives for consideration, in whole or in part, but only those more familiar with the organization can validate our assumptions. Accordingly, we make no specific recommendations on the structure most appropriate for the DPMO.

CONCLUDING REMARKS

In concluding, we recognize the difficulty in setting aside time for such process building. However, in our experience, without the strong leadership that such actions require, the organization will continue to experience difficulty in justifying its resource requirements and completing the assigned mission.

CONCLUSIONS

Likes building a ship while under sail, it is not easy to meld disparate organizational entities together while faced with multiple operational demands. However, that is the challenge faced by the DPMO Our initial research at DPMO led us to conclude that the organization lacked (1) well defined missions and tasks, (2) a planning system to see that major goals were accomplished, and (3) a stable organizational structure that supported effective management.

To assist the office in tackling these areas, we outlined methods that we believe will help the organization define its mission, establish a planning system, and structure its organization. We recognize the difficulty in setting aside time for such process building. However, without the strong leadership that such actions require, the organization will continue to experience difficulty in justifying its resource requirements and completing the assigned mission.

Mr. SMITH. I think the letter certainly sums it up, Madam President. The bottom line is, on section 1031, did the administration comply? The answer is, no, they did not comply. Not only do they not comply, they indicate they have no intention of complying, that they cannot comply, they do not have time to comply.

You have to remember, Madam President, I would point out to you, as one who has worked very closely in constituent services as a Member of the House and Senate, this is not your typical bureaucrat runaround where somebody is trying to find out what happened to some particular thing in the Government or trying to get to the right agency. These are families who lost loved ones, who lost loved ones in the service of their country, and to get that kind of a runaround from people who are told to comply with law is disgraceful.

Let me turn to section 1032. This requires the Secretary of Defense to recommend changes to the Missing Persons Act within 6 months; that is, by April 5, 1995. This is an act from the 1940's that allows the Defense Department to declare that servicemen who became missing in hostile territory are automatically dead after 1 year if no information surfaces indicating who they are.

Senator DOLE, Senator LAUTENBERG, Senator LIEBERMAN and I sponsored legislation to correct this. However, I wanted to allow the Secretary of Defense, to be fair, a chance to submit his own recommendations that we could then work out and reconcile with Senator DOLE's legislation and the Armed Services Committee. I did not try to say I had all the answers. I knew we had problems. We wanted to work it out.

Did we get the report by the end of the 6-month period? The answer is, no, we did not. We did not get it until the end of June, 2 months late. It was obvious the Defense Department made no serious attempts to consult with Members of Congress before submitting what turned out to be an inadequate report. Their delay in submitting the required report has pushed back our own timetable in reviewing this matter. As a result, it remains one of the outstanding issues in the current conference committee deliberations on the fiscal year 1996 Defense Authorization Act.

Congressman DORNAN in the House has worked tirelessly to revise the Missing Persons Act. I want to compliment him for his work. He recognizes the seriousness of this issue, especially as Congress, as we speak, considers sending 25,000 American servicemen into Bosnia, and the White House is leading that effort.

Madam President, we have memos from the Carter administration between President Carter, Secretary of Defense Howard Brown, and National Security Council staff which show in clear terms how the Missing Persons Act was abused, clearly abused, to satisfy other political and foreign policy agendas. There are always other items that move to the surface and push this down. As a result, many Vietnam-era POW/MIA families endured a great injustice as their loved ones were simply written off as dead. These memos clearly show why the law needs to be reformed.

I ask unanimous consent that these memos that I have be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. SMITH. To sum up on section 1032, Madam President, the record clearly shows that the required report was not submitted by the required date. The administration did not comply. So, again, regrettably the answer is ''no'' again to the law which was supposed to be complied with in April 1995.

Section 1033 urges the Secretary of Defense to establish contact with the Communist Chinese Ministry of Defense officials on Korean War American POW's and MIA's.

Madam President, we have learned, through declassified CIA documents and through documents obtained from Russia, that the Chinese have a wealth of information—a wealth of information —on missing Americans from the Korean war. In fact, the North Koreans told me that when I visited them in P'yongyang in 1992. They made a point of telling me. They showed me books. They showed me photographs of the camps. And in those photographs, in those books, were Communist Chinese guards.

The North Koreans said, ''Senator, we know you're here in North Korea looking for information on American POW's. You ought to talk to the Chinese because they were the ones that ran the camps. They were the ones who packed up the American prisoners and took them across the Yalu River when General MacArthur pushed north.''

So, Madam President, section 1033 deals with just that matter that was signed into law on October 5, 1994. Three weeks later, the Secretary of Defense—this is ironic, but 3 weeks later the Secretary of Defense, Dr. Perry, was dispatched to Beijing—not for this issue but another issue more important, more important than this one—where he held high-level meetings with, you guessed it, the Communist Chinese Ministry of Defense officials.

So when Dr. Perry returned, I was excited. The law had passed. It was fresh in their minds. Dr. Perry had been to Communist China meeting with these officials. So I sent him a note and asked him if he raised the subject of unaccounted for Americans held by the Chinese on both sides of the Yalu River during the Korean war. I waited. I never got an answer. Several weeks later, I was informed by a low-level bureaucrat, much to my chagrin, that the subject never came up, never discussed. I was hoping I could say, ''Did we get any leads on some information?'' The subject never came up. In fact, as far as I know, Dr. Perry was not even made aware of section 1033 by his defense POW/MIA office at the time. After all, we saw the letter to the families. They are not interested. They are not interested.

More than 40 years have passed, Madam President, 40 years, and we still have yet to hold any substantive discussions with the Chinese on missing Americans from the Korean war. Forty years. The families wait.

Just a few weeks ago, I was contacted by the daughter of an American pilot shot down over China—not Korea, China—in the 1950's. Intelligence indications are that the Chinese captured the pilot. He was never heard from again.

What is President Clinton waiting for before he decides to approach China on behalf of the family of this man? How many more years do they have to wait before somebody simply asks the Chinese what happened to him. How many more years? Is that too much to ask? When the Secretary of Defense goes to China for high-level talks, is it too much to ask the Chinese what happened to that pilot that we know was shot down? That is what the Congress recommended. That is what the Congress urged by passing section 1033.

So again I must check the ''No'' box. Again we come up short. Again the President ignores the law. Again the families wait and wait and wait. No one cares. We do not have the assets. We do not have the resources. We do not have the time. We do not have the interest to be bothered with finding out what happened to that pilot in 1950, do we? Too many other important things to do, is there not?

This is a terrible message for the President who is about to send and wants to send 25,000 more Americans who wear the uniform today into Bosnia—25,000 more Americans into Bosnia, and he cannot ask his Secretary of Defense to ask the Chinese if they know what happened to this pilot and others. I am not holding the President to a standard he cannot meet. I am not asking the President to say absolutely bring him back alive or dead or bring back information. I am asking him to ask the Chinese what happened to him. That is all I am asking.

Section 1034—another section of the law—requires Secretary of Defense to provide Congress within 45 days a complete listing by name of all Vietnam era POW/MIA cases where it is possible Vietnamese or Lao officials can produce additional information.

I am going to skip this section for just a moment because it pertains to Vietnam, and I wish to finish covering the two sections on the Korean war. However, even though I am going to skip it, as you might expect, we are going to check the ''No'' box here, too, because they have not complied with that either.

This is perhaps the most disturbing affront to Congress, the Vietnam portion, but I will get back to that in a moment.

Let us go to section 1035. This ''requires two reports to Congress on U.S. efforts to obtain information from North Korea on POW's and MIA's.

''Do the reports show any progress since October 1994?''

We have a situation where the answer happens to be ''Yes.'' But it further requires the President to seriously consider forming a special commission with North Korea to resolve the issue as recommended by the Senate Select Committee on POW/MIA Affairs in 1993, and the answer to that one is ''No.''

The remains of those soldiers that we know were in those camps buried in North Korea during the war, where are they? I was allowed to visit, when I went to P'yongyang, the anti-American War Museum in 1992, and I caught a glimpse of their vast archives. It is obvious—obvious—that North Korea has substantial information on Americans that they shot down, captured, or turned over to the Chinese or had taken from them by the Chinese—room after room after room. We were allowed to see maybe half a dozen, maybe a few more, 7 or 8 rooms, in an 80- to 90-room museum full of information on Americans—Americans. It was called the American museum. Some in our Government denied it existed, said there was not any such museum. You are wasting your time to go over there and try to find it. North Koreans denied it, too, but we knew where it was, and we got there.

Let me tell you something. Having served in the Vietnam war and spent 11 years on this issue, to walk through a museum with letters from American POW's that were sent home but never were received at home because the North Koreans intercepted them and hung them up on their walls as trophies, to see photographs of dead American POW's and live American POW's who had been tortured and suffered, to see it all as the North Koreans proudly displayed with a high-ranking North Korean military officer on either side as I and others walked through that museum, that is tough. That is tough to have to go through.

You know what. As tough as it was, it is not half as tough as coming back here and knowing I cannot get anybody in Government who cares enough to go back over there and try to get answers for these families. That is what is tough.

The key question here is, Do the reports show any progress in these two specified areas? And again the answer to that question is ''No.'' And the reports make it clear. So I think I will check the ''No'' box again. There was a little ''Yes'' box here. That is the only ''Yes.'' In fact, the discussions with the North Koreans have been at an impasse now for a long, long time. The North Koreans want several millions from the United States for remains they have already turned over. I am not into that blackmail. We have done that to Vietnam now—millions of dollars for remains, body parts. That is blackmail. It is disgraceful. We should not agree to it. That is not what I talked to the North Koreans about. However, it does not mean that we should not set up a better mechanism to address all of our concerns—remains, possibility that somebody may be, through some heroic effort, left alive, and information, all three, as well as the North Korean concerns about compensation for expenses they can justify.

It was interesting; a South Korean soldier after spending 43 years in a North Korean camp came back alive about a year ago. That did not get a lot of publicity. His picture was not in Time magazine.

It was O.J. Simpson's picture or some rock star's picture, but not this guy.

(Mr. ASHCROFT assumed the chair.)

Mr. SMITH. Mr. President, let me tell you something, he happened to be a South Korean, but what if he had been an American? What if he had been an American? He would have been on Time magazine, would he not? Well, he could have been. He could have been.

I do not know what the President or anyone else in our Government today would have to say to that man, not a young man, not today. What would you say to him when you looked him in the eye when he asked you, ''Where had you been for the past 43 years?'' What would you say?

That is where the second half of section 1035 comes in. The Congress required the President to give serious consideration to forming a special commission with the North, and this is something the Senate Select Committee on POW/MIA Affairs recommended in its final report. All 12 Senators— Democrat, Republican, liberal, conservative—agreed on this point.

Nonetheless, the administration, obviously, has not given this suggestion any serious consideration, and if they had, they would have contacted me to discuss what the Bush administration and I had already worked out and presented to the North Koreans shortly before President Bush left office. I was very involved in those discussions and there has been no followup with me whatsoever—not one word from the previous administration or this administration, absolutely no interest, no consideration, no interest whatsoever in what those discussions were. I am not a State Department official. I have no authority to negotiate. These were simple discussions, but I thought they might be interested in knowing what we talked about and what we might be able to do as a result of those discussions, but I was hoping for too much.

But, oh, you hear the rhetoric, though, you hear the rhetoric. How we worked so hard, we tried so hard, we have the POW/MIA stamp, we have the ceremonies, POW/MIA recognition day, and we have these great speeches about how we will never forget, ''You are not forgotten.'' Words, Mr. President, they are cheap. There has not been compliance with the second half of section 1035. So we will just check the ''no'' block there.

Section 1036, require public disclosure of all Defense Department records on American POW's and missing personnel from the Korean war and the cold war that are in the possession of the National Archives by September 30, 1995, 1 month ago. Our National Archives, Mr. President. Not the North Korean's national archives, not the Chinese, not the Russians, our own archives.

Two weeks ago, the administration reported that they had not complied with this section. They need more time, Mr. President. One year was not enough. So Senator KERRY and I have now extended their deadline until January 2, 1996, in the fiscal year 1996 Defense Authorization Act. We gave the administration 3 more months, and it remains to be seen whether they are going to comply.

Open up the archives. Let us see what is in there. It is the Korean war, over 40 years ago. Are there national security secrets in there? What is amazing about this is that Defense Department officials have admitted to me—admitted—and I will not quote them, but they admit it, that they did not even begin to consider whether they would be in compliance with this provision until 10 months after the bill was signed into law.

At that time, when they were asked about it by family members, then they decided they might have to do something. It is not that we did not warn them. In fact, after the law was signed last year, I sent a letter to the Department of Defense reminding them of this obligation. They did not care about the deadline. It is not important. They have too many more important things to do.

So, again, let us check the final ''no'' box, Mr. President. That is not a very good record, the way I look at it. This is the law. This is the law. These are not simple requests by letters. This is the law. Not one item on there was complied with.

The administration, probably not a very good metaphor, basically thumbed its nose at the Congress and the American people and the families and our Nation's veterans by not complying with the sanctions of this law. I am offended, and every single decent American should be offended. Every mother and father who has a son or daughter poised to go into Bosnia today, sent there by this President or this Congress, ought to be offended.

This is contempt for the laws of Congress, and I know a lot of laws get passed and I know a lot of things are difficult to comply with. God knows I understand that. I serve on the Armed Services Committee and I sympathize with so many of the regulations and laws with which they have to comply. But I have reminded them over and over. I have offered to help. I have given them extensions. Nothing. And yet, if you read any manual on POW's and MIA's today, you know what it will say—try not to laugh, this is the highest national priority—it says in the handbook, ''the highest national priority.'' If that is the highest national priority, I would hate to see what is, really. The President clearly does not care

about disregarding this law, and I think the American people are rightfully going to hold him responsible for it.

Let me come back to 1034, the final point on here. This is the section which last year's law pertained to the Vietnam-era POW/MIA cases. This is the most disturbing violation of all, because it occurred during the same period—and this is very offensive to me personally—it occurred during the same period that the President is showering the Communist Government of Vietnam with full diplomatic recognition and expanding the commercial contacts there. In fact, the State Department and our trade representatives are now coming to the Hill to brief congressional staff on further efforts to expand the economic relations, to set up the diplomatic office.

I have stated all along, and fought this every inch of the way and lost, that these initiatives are premature and that they simply amount to nothing more than putting profit over principle. That is what it is.

Section 1034 requires the Secretary of Defense to provide Congress within 45 days—this is not an unreasonable request—within 45 days a complete listing by name of all Vietnam-era POW/MIA cases where it is possible that Vietnamese or Lao officials can produce additional information. Not additional men, not unreasonable requests, not somebody that was blown up in a fire fight that nobody saw, but POW/MIA cases where it is possible that Vietnamese or Lao officials can produce additional information.

Mr. President, there are 2,170 Americans still unaccounted for from the Vietnam war. We know half of them were believed to be killed in combat at the time of their incident and the other half were listed as missing in action—we know that—which means we did not know what happened to them at the end of the war. That is what it means.

There has been a great debate about how many cases Vietnam really still owes us answers on, how many out of these 2,170 can they legitimately give us answers on. We know they cannot do it all. That would be an unreasonable expectation, because in some cases, frankly, they do not know what happened. There was a lot of concern about some of the wartime photographs that surfaced in the Vietnamese archives on cases where Vietnam had previously said they had no information, no information, do not know what happened to this guy and suddenly up pops a photograph.

So we wanted a case-by-case assessment on this issue. Now you would think that the Department of Defense would have had this information readily available in some type of a database that is constantly updated, if it is the highest national priority. We are trying to find out what happened to the 2,170 men. If we have intelligence information that this or that happened, we ought to be feeding it into a database, we ought to be able to pull it up and send it over here. Wrong.

They spend $54 million a year of the taxpayers' money working on this issue, and they cannot produce a simple list of 2,170 people in which it says on one side this guy was killed in action, here are the witnesses; this guy was captured alive, he was led off, here is the information; this guy was photographed in a POW camp, never came back. They cannot produce it. They cannot do it.

They have the information, Mr. President, because I have read it. I have seen it. Do you know why they do not want to produce the list? I will tell you why. Because if they produce the list, it might screw up the diplomatic relations, mess up the economic gains that American businessmen are going to make by exploiting Vietnam. That is why they do not want to put the list out.

How could the President of the United States—any President—proceed with the normalization of relations with any country—in this case, Vietnam—without first knowing just a simple, basic knowledge of how many cases of missing American servicemen there are? If Vietnamese and Lao officials had more information on them, based on all of our intelligence and investigative activity to date, how can we, in good conscience, move on without getting just that basic information—not out of the Vietnamese, Mr. President, but out of our own Government—what they have that they think the Vietnamese and the Lao have?

I am not saying account for every one of these men. That is not what I am asking for. I am asking them to give me the information on the cases of the men that they have in their best intelligence—perhaps a witness, a buddy who saw a guy led off, whatever. Give it to us because we have reason to believe that the Vietnamese would know what happened to these men, and we can confront them on this.

One example: David Hrdlicka was shot down, captured by the North Vietnamese in Laos, photographed, filmed, used in Communist propaganda, paraded around. Never a word from the Lao or the Vietnamese as to what happened to David Hrdlicka. Do you think they do not know what happened to him? Of course, they know what happened to him. But that information is in that list.

If the Government sends that list over here—our Government—that is going to be a little embarrassing, because when Carol Hrdlicka, David's wife, who has waited all these years, says, ''Why are you normalizing relations with a country that will not even tell you what happened to my husband?'' What are you going to say, Mr. President? The administration has not complied with this law.

You have to ask yourself these questions: Why? Why? I could go over there, probably in a month, with a couple of staff people and get it myself. It is there. It is not that it is not there. Of course, it is there. Of course, there is a database. What are they afraid of? Are they covering up or sitting on information that would show the American people that Vietnam is not fully cooperating on missing Americans? You bet. You bet. That is exactly the reason why they are not giving us the information, because it is going to show that the Vietnamese are not fully cooperating—are not cooperating in any way, shape, or form, to the full capacity that they could.

If this information were released to the public, it would undermine all of the rhetoric from the President, the Secretary of State and their adjectives like ''splendid,'' ''superb,'' and all this cooperation they claim we have been receiving from Communist Vietnam. That is what we have heard—not just cooperation, but ''splendid,'' ''superb,'' ''outstanding,'' ''unprecedented.''

Well, boy, it would sure blow that up if the U.S. Congress and every staff member for every Senator and Congressman in this place could look at that list. That is why we do not have the list. Hold the list up, ignore the law until we get it all done, until we get the mission set up, get the full diplomatic relations set up, then let it out, but do not do it now; you will sure mess it up.

I recall the statements by assistant Secretary of State Winston Lord during his last trip to Vietnam this last May. He stated: ''We have no reason to believe that the Vietnamese are not making a good-faith effort on the POW/MIA issue.'' Well, Mr. Lord, let me just say it as nicely as I can: That is not the truth. That is not the truth, and you know it.

If the President has no reason—and that is the exact word—to believe they are not cooperating, which is what he cited as the basis for announcing his decision to normalize relations this past summer, then where is the list? Why do you not let us see the list?

There will be some who will come back down here on the floor, perhaps tonight or tomorrow and say, ''There goes SMITH again. I thought we could get the war behind us; I want to get it over and move on. I am tired of fighting the war.''

Some things have to be fought. Some things have to be continued because they are right. Many of my colleagues in the 1840's and 1850's stood on the floor of this U.S. Senate and argued against slavery, and it took them a while to get it right, but they got it right, and they were right when they were making those statements and having those discussions on the floor of the Senate. And we are right now to make them now.

History will judge us as being right. History will judge us, who stood up and said we did not get the information, not only from the Vietnamese and the Lao, but from our own Government. We did not get it. History will judge us as being absolutely right. I do not care

who says what differently. History will be the judge. I will stand on that judgment.

I want to review in more detail now exactly where we have been concerning this requirement over the last year. I want my colleagues and the American people to see what is going on. I know this is a long speech and people want to go home, but it has been a lot longer for the people who have waited for answers for their loved ones, some all the way back into the fifties, from the cold war. So I am doing it for them. No one else cares, so I am doing it for them.

I want everybody to know what happened over the last year. It would make you sick, Mr. President, to see the obfuscation, the delay tactics that have taken place. I have drawn my conclusion. I am going to be criticized for this. It is a coverup; that is what it is. It is not a coverup in any sense other than you got information and you will not give it to us, according to the law. If you have information that the law prescribes and you will not give it to us, then you are covering it up. If you are not covering up, get it over here. If I get this information over here tomorrow morning, I will withdraw and retract the comment about a coverup. If I do not get it, or there is some indication that I am going to get it quickly, I am going to assume that this information is being covered up so we can get on with normalization and not mess it up.

This information, if we get it here, will show that right up to the present, despite all the comments about cooperation, the Government is nonetheless holding back information on several hundred—not 10, 12 or 20—American servicemen that were lost or captured in Communist Laos and North Vietnam during the war. Several hundred are on that list. What is that list? That list is the best case, best information available by the United States Government through intelligence sources, buddies on the battlefield, copilots, back seaters, men on the ground as to what happened to these individuals. It is not necessarily that they are alive, but that we know what happened to them, and we think the Vietnamese know what happened to them. That is all we are asking for. But, you see, if we publish that list, it would destroy the argument for normalization.

Do you know what people say to me? It is amazing. ''Why would a Vietnamese hold back any information?'' First of all, I am not interested in why. The first question is, are they holding back and not disclosing information about the fate of our men? In the absence of this list of cases, I can only conclude that the administration is presently engaged in a coverup of information that would answer this question in the affirmative. Pure and simple.

People will yank this phrase out of context. But if you put it in the context that I have said it—and I have been quoted out of context before—they are covering up in providing the information, the best-case information, best available information, as to what happened to certain men who are missing, in order to move forward with diplomatic relations and trade. I am going to let my colleagues and the American people be the judge after they see what happened, because do you know what? Sooner or later I am going to get that list, because I have seen it and I know it exists.

This list was required by law on November 17, 1994. As that date approached, the Deputy Assistant Secretary of Defense sent a letter to Congress requesting a 3-month extension. He also informed us there was an interagency agreement within the executive branch that no revised or new list would ever be produced.

Let me read from the letter we received at the time from the Deputy Assistant Secretary of Defense.

DEAR MR. CHAIRMAN: The fiscal year 1995 National Defense Authorization Act contained a request that the Secretary of Defense report not later than 45 days to the Congress specified information pertaining to the U.S. personnel involved in the Vietnam conflict that remain unaccounted for.

This letter is to advise you the study is underway and that considerable progress has been made, but it is unlikely the report will be finalized by the time requested. It is anticipated that the report will be finalized within 135 days, at which time it will be forwarded to your committee for review.

This was addressed to Senator NUNN.

The comprehensive review must be carefully constructed to reinforce current and near-term negotiations. Specifically, there is great potential to any new list to cause confusion for the governments of Vietnam and Laos, and this concern resulted in an interagency agreement that would not produce any new lists.

Gobbledygook.

Mr. President, the law does not give the administration the luxury to decide whether or not a new list would be produced. It said produce a list.

I reminded the administration of that fact last November. I am, frankly, not interested in some bureaucrat's view about causing confusion for the Vietnamese. The Congress, the American people, and the families are the ones who have been confused by Government distortions on this issue since the end of the war. That is another reason we want a straightforward list in the first place.

Notwithstanding that, I try to be reasonable, and in spite of all the hardships these families try to be reasonable. A 3-month extension seemed OK to me, and the Armed Services Committee agreed with it.

I met with the Deputy Assistant Secretary in December of last year in my office and told him I had no objection. Even though I did, I said I had no objection to extending the deadline to February 17, 1995. I expressed my amazement that such a list did not already exist. In fact, I still do not know how the President can look at normalizing relations with Communist Vietnam without having the list of the American POW cases that Vietnam might be holding back on. He is not concerned about it. I just am absolutely aghast to think that that does not bother him, because apparently it does not or he would provide the list.

When the new extended deadline began to approach after the Christmas holidays last year, rumors started to surface that we still would not get the list by the new February deadline. Those rumors turned out to be true.

On January 24, 1995, after more rumors surfaced that the President might upgrade relations with Vietnam, several of my colleagues joined me in sending a letter to the President reminding him of his obligation to provide the required list. In fact, we asked him to give us the list before any decision was made to upgrade relations.

That sent the red flag up, so now we had to speed up the process. Let me just say I sent the letter. But let me tell you who else signed it. It was signed by the chairman of the Foreign Affairs Committee, Senator HELMS; it was signed by the chairman of the Armed Services Committee, Senator THURMOND; it was signed by the chairman of the Intelligence Committee, Senator SPECTER; signed by the chairman of the Asian Pacific Subcommittee, Senator THOMAS; the chairwoman of the International Operations Subcommittee, Senator SNOWE; the House chairman of the International Relations Committee, Congressman GILMAN; the House chairman of the Asian Pacific Subcommittee BEREUTER; and the House chairman of the National Committee on Military Personal, Congressman DORNAN.

The President ignored the request. He said, you will get the list soon, period. This was in January 1995. January 28, he announced the formation of liaison offices between Vietnam and the United States in both Hanoi and here in Washington. Fast track, we call it.

For the first time now we are allowing the Communist Vietnamese government to establish an office here in Washington, even though Congress still had not provided the American people with a list, the White House had not provided Congress with a list of POW/MIA that Vietnam might be holding back on. No list.

I think the administration realized their decision to upgrade relations would not be viewed in a positive light if the list was released just last February. You can be the judge on that.

I next raised the issue with Secretary of Defense Bill Perry at a hearing of the Senate Armed Services Committee on February 9, 1995. I told Dr. Perry's staff beforehand that I would raise the question so there would be no surprises. I do not play the game that way. I wanted him to have a response ready so I did not catch him by surprise.

When I asked him at the hearing if he was going to meet the new deadline by February 17, he said, ''Yes, yes.'' I immediately followed up that day with a letter to the Assistant Secretary of Defense.

The following day I received a response which stated, ''The Department will respond to the legislation by February 17, 1995. Let me assure you our response to this Congressional requirement will be provided in compliance with the law.''

On February 17, 1995, we received a letter from the Secretary of Defense which did not comply with the law. I repeat, did not comply with the law. It did not provide the updated listing of cases of missing Americans that Vietnam and Laos officials might have more information on.

I want to read an excerpt from that letter that we received from the Secretary of Defense which I have blown up here on a chart. This is the letter to Senator THURMOND, the chairman of the Armed Services Committee.

In response to this legislation, the Department of Defense has initiated a comprehensive review of each case involving an American who never returned from Southeast Asia.

That sounds good.

As of February 12, 1995, nearly 50 percent of all cases have been reviewed as part of this process.

Completion of this painstaking case-by-case review will take at least several additional months, at which time these findings will be reported to Congress.

Well, here we go again. We do not have a list. Several additional months—no list.

Is it not a little audacious for the Pentagon to talk about a request if a straightforward analysis—let me quote this language which really jumps off the page, Mr. President. ''Completion of this painstaking case-by-case review will take at least several additional months.''

Painstaking. How about the pain and the uncertainty that the families have had to endure with their missing loved ones? Believe me, the Pentagon's pain on this issue is nothing compared to the pain of the families. I think the word is an insult. I take offense with the use of that word to imply there is some analyst over in the Pentagon who is going through this whole painstaking process of putting a list together—a simple list of information they already have. I am not asking them to extract this from the Vietnamese and Laos but from our own intelligence files that we believe the Vietnamese have or the Laos on our missing men.

How would you compare their pain? That must be awfully painful for them, is it not, these bureaucrats going through this painstaking process?

What have they been doing for the last 25 years? What have they been doing for the last 25 years if they do not have the information on these people that are missing? My God, what are they telling the families? How can anybody have any sympathy for anybody in this administration or any other administration with that kind of analysis on this issue?

Consider the roller coaster ride that the families have been on year after year, decade after decade, waiting for answers. Hopes up, dashed. Hopes up, dashed. They are the ones that have gone through the pain, Mr. President, not these bureaucrats.

I am not saying that the people in there are not loyal Americans trying to do a job, but we should get the job done.

How much more time do you need? It was clear by this past February that the administration had violated the law. That is the exact phrase—violated the law. I sent a long letter, again, to the Secretary of Defense on March 7, 1995, and I expressed my disappointment that you violated the law. Everybody else has to comply with the law but apparently the President does not.

A month later on April 7, I received another written response from the Under Secretary of Defense, Walter Slocombe, allegedly on behalf of Dr. Perry. Let me just read an excerpt from that letter:

Section 1034's impact has been to refocus the analyst' work to conduct this comprehensive review earlier than anticipated. Currently, DOD has committed 22 of the 33 analysts (67 percent) within DPMO and an additional 12 analysts from Joint Task Force Full Accounting to working full-time on the comprehensive review. To ensure the type of comprehensive review of all 2,211 cases that both Congress and the families demand and have a right to expect, it is essential that the analysts expend the time and scrutiny required to evaluate every individual's case in the light of all available evidence.

While there will be no arbitrary deadline, I assure you that DOD will continue to give this effort the utmost attention. I am confident the review will be completed during the summer. The department will report the results of DPMO's review to Congress on its completion.

That was in April. Imagine that. The law imposes a deadline. That is what I thought, that you had to comply with the law. I am sure the Senator in the chair, the Senator from Missouri, when the EPA tells one of the communities in your State they have to comply with the Safe Drinking Water Act or Clean Air Act, they nail you with a fine and threaten your community.

This law imposed a deadline, and not an unreasonable one. Yet the Under Secretary of Defense says to Congress, ''There will be no arbitrary deadline.'' In other words, ''To heck with you, Congress. Do not tell me when we have to do this. We will get it when we are ready. That is an arbitrary deadline.''

Who is he, Mr. President? Who elected him? Is he under the law? I guess not. The Department of Defense must be above the law. And the Clinton administration, I guess the President himself, he must feel the same way—above the law.

You wonder why people are cynical about politics and politicians? It is an affront. It is an affront to Congress. I am taking the floor tonight, and taking the time to work my way through this because I want my colleagues to know that we have laws on the books that are being ignored, and blatantly ignored. We are not even allowed to review our own Government's assessment to judge for ourselves whether Vietnam is fully cooperating. I am not asking for my own assessment. I am asking for our Government's assessment. That is all I am asking for.

And then, without getting that information, my colleagues and I are asked to rubberstamp the President's discussion on diplomatic relations. That is what we did.

I do not think it is going to be that easy. I urge my colleagues to consider these matters the next time they are asked to vote on this issue. I certainly commend Senator CRAIG THOMAS for his support in his committee. I hope it will be a long time coming before you get an ambassador approved out of the Senate.

There used to be an expression as you go along through a speech ''stay tuned, it gets worse.'' The next chart is a statement from June 28, 1995, before Congress. This is a full 3 months after the last letter from Under Secretary Slocombe wherein he assured us that all his analysts were working full time on these cases.

Three months later, in June, we still did not have the list. So, this is sworn testimony by Jim Wold, the Deputy Assistant Secretary of Defense for POW/MIA affairs. Here is what he said.

We must never forget, however, that the goal of achieving the fullest possible accounting can only be achieved with diligence and hard work. With that in mind, I launched the ongoing DOD comprehensive review of all Southeast Asia cases, which I hope will be completed in mid-July. This all-encompassing look at every individual case will provide a solid analytic assessment of the appropriate ''next steps'' for achieving the fullest possible accounting. Our unaccounted Americans deserve no less. I will work to ensure that we keep our promise to them. Thank you.

Jim Wold is not entirely accurate or he would have said the goal will only be achieved when Vietnam decides to fully open its archives and its prisons. Then we can say we are diligent hard workers.

We can ''say'' that. That is not going to resolve this matter if the Vietnamese are deliberately withholding information, and I am going to discuss some of the information that is being withheld. There is a lot of heart-warming rhetoric at the end of this statement, ''Our unaccounted Americans deserve no less. I will work to ensure that we keep our promise to them.'' That is what he said. That is real nice. But the fact is the administration was supposed to work to get the job done and report it to Congress under the reasonable deadline imposed by Congress: 45 days, not 245 days later which was mid-July or 330 days, as it now stands, nearly a year since the deadline. No list.

This information should already have been compiled and available for policy makers, the Congress and the families. It has been held—it has been withheld from the American people. They have it. They can put it together. It may not be in a sheet form that you can just

say ''Here,'' listed with the information. They can put it together and they can put it together quickly. They have it. Of course they have it. Could they produce it? Yes. Why do they not? Because it is going to show in black and white the degree to which Vietnam is sitting, as we speak, on information concerning the fate of several hundred American servicemen. Not a few dozen like the administration likes to claim—no, no, no. This is an outrage. It is going to show that they have information on several hundred Americans.

The next chart is a copy of a letter that I sent, again to the Under Secretary of Defense, Mr. Slocombe, continuing to try here. This was dated August 18, 1995, after the President announced, in July, his intention to establish diplomatic relations with Communist Vietnam. You remember that debate. I again tried by sending another letter. My letter followed a similar letter from Senator Thomas in mid-July on this subject, in which he has made clear his intent to withhold in his subcommittee any funding for Vietnam or any ambassadorial nominee to Hanoi until this is reviewed by Congress.

I commend him for having the courage to do that. He has taken considerable heat for it. I cannot possibly say how much I appreciate his support. He has been steadfast on this issue as the chairman of the Senate Foreign Relations Subcommittee on East Asian and Pacific affairs.

But in my August letter, without reading it all, I basically said: Mr. Secretary, where is the list? Where is the list? Where is the list?

No response. No response from the August 18 letter. Not even an acknowledgment, despite numerous followup phone calls after this. Senator THOMAS—no response.

I am told from other sources that these cases finally moved up the policy ladder in the administration, but only after the President made his decision to normalize, which was my point all along. Once we get passed that bogey, then we are home free. They did not want to get it in the way as the President made his decision. Apparently, staffers at the National Security Council are now ''very concerned'' about releasing this information because of what it shows and the way things are worded in the study. The word is that this assessment or study, which is now being withheld from Congress—and it is being withheld deliberately —shows that Vietnam is likely withholding information on hundreds of POW/MIA cases.

I want to underscore why I am concerned about this. The fact that we still have in my judgment a discrepancy of several hundred cases with no answers from Vietnam or Laos. To do this, I want to refer to the charts, information about POW's from Vietnam that has surfaced in the last 12 years from the Communist Party and intelligence archives of the former Soviet Union. The Russians, to their credit—the Russians to their credit—have been very, very helpful. I am a member of the U.S.-Russian Commission. I met with the Russians on numerous occasions on this subject.

For those who are not familiar with the reports about these documents, let me explain. In 1993, only a few months after President Clinton was sworn in, the administration received from the Russian archives two reports that the Soviet Union, the old Soviet Union, had covertly obtained from the North Vietnamese during the Vietnam war—covertly obtained; a very touchy subject. These were copies of speeches given by two Vietnamese military officials to the North Vietnamese Politburo in 1971 and 1972.

Sections of both of these speeches concern American POW's being held by North Vietnam, and they stated flatly that more American POW's were being held than those the Vietnamese had acknowledged. This is not our intelligence. This is the Soviets.

I might add that the numbers were larger than those that we had assumed.

Sections of both of these speeches were looked at. I might add, as I said, that these numbers were much larger than what we found in the Paris Peace Accords in 1973.

That is the essence of these secret speeches before the North Vietnamese Politburo. They had told the world that they held *X* number of POW's, but in reality they held *X*-plus, and they were not going to release them until we withdrew from Vietnam and paid war reparations, which we never did.

These are not my words. This is the document. As our select committee showed in 1992, yes, we withdrew our military forces in 1975 after Congress had cut off the purse strings, but we did not pay the reparations that President Nixon had promised the Vietnamese in secret communications in February of 1973.

So the first Politburo report turned over was a translation of a wartime secret speech by North Vietnamese Gen. Tran Von Quang, who was a former Deputy Chief of Staff of the North Vietnamese Army. In their report, he stated that 1,205 Americans were being held. As I previously pointed out, only 591 came home. So there is an obvious discrepancy. General Quang says in the document we have 1,205; 591 came home.

The secret Politburo report turned over was a translation of another speech given earlier in the war by the Vietnamese former Vice Minister for National Defense Hoang Anh. Like General Quang, he stated that he had only released a list of 368 names of Americans but that they were in fact holding 735. As I previously stated, that figure had gone up to 1,205 a couple of years later when General Quang addressed the Politburo.

These numbers are all confusing, but this is what the report says. This is not a debate about what Bob SMITH believes. It is not a debate about that report itself. It is a debate about what this report says. It says it. It is a document taken from the archives of the Soviet Union. I do not know whether these numbers are accurate. I do not know. But I know that General Quang said they were accurate. It was not a propaganda document. It was said before the Vietnamese Politburo.

Do you not think that President Clinton would be naive if he believed the Vietnamese did not hold back the total number of Americans they had captured during the war for whatever strategic purposes they deemed appropriate at the time? Even former Secretary of Defense Mel Laird, to his credit, had held a press conference in 1970 to say that the list the Vietnamese published at the time was not complete.

For the record, I want to say that these two Russian documents surfaced on President Clinton's watch—not on President Nixon's or Dr. Kissinger's watch in 1973. They did not know about these documents.

There can be no doubt that President Clinton has to be the one to bear the responsibility with regard to holding the Vietnamese accountable in terms of explaining these Politburo reports, these documents. We cannot go back and say, ''Dr. Kissinger should have done something on these specific reports,'' because they did not know about this. It is my judgment that the administration has tried to brush these documents aside.

There will be plenty of people out there who will say, ''Oh, my, here is SMITH again.'' This is a disservice to the Congress, and to the members of the Armed Services Committee, and to the members of our armed services. Instead of keeping faith with the American fighting men by pursuing information like this until we are certain we are doing everything we can to account for the missing Americans, the President has broken faith.

What about the investigative activity of these reports? Did we look into them sufficiently? In short, no. The administration has not even asked to meet with Hoang Anh, the author of one of these reports, even though he is living in retirement in Vietnam. We are going over there to establish diplomatic relations, going to drill for a little oil, set up some airline offices, but we cannot meet with Mr. Anh. We cannot meet with him, and have not met with him. There has been no credible type of detailed information from the Vietnamese Government on either of these reports, just deny them and that they were accurate.

Let me concentrate on that report by Quang which went into a lot of detail about the number of Americans being held. When that document publicly surfaced from the Soviet archives in April of 1993, the Vietnamese put a full court press on it, believe me, to label the document a ''fabrication.'' They knew

the President was close to lifting the trade embargo. In fact, some said it was created to squash the trade embargo. I do not know who could create it. It came out of the Soviet archives. It was an authentic document. It was said they were caught between a hot rock and a hard place.

What do they do? They lie. They said the report was cooked up and fabricated by a Harvard researcher. That is where it got very interesting. This was not a POW/MIA activist. This was not a nut. This was a Harvard researcher who had nothing to do with MIA's. He was over there doing another project. He found it. He said, ''Whoops. Holy mackerel. Here, this is something important.'' He tucked it away. His name was Stephen Morris.

When the Russians officially turned that document over, the Russians were able to convince every reasonable scholar and analyst that this was an authentic intelligence document from the GRU, the equivalent to our Defense Intelligence Agency. Simply put, the Russians confirmed when they turned the document over that the Vietnamese had apparently lied to the United States for 20 years.

Was there an uproar by the administration, Mr. President? No. In fact, the first thing they did was to classify the document secret, and withhold it from the American people. ''Oh, we do not want to mess up the embargo. We cannot let that out.'' But Dr. Morris released it to the New York Times. Now we have a problem. So then the administration had to respond.

I have a chart here that is a synopsis of the official comments by the Government of the Socialist Republic of Vietnam.

Let me just quickly go through this. You have to remember that this is an independent researcher, Dr. Morris, who finds the document in the Soviet archives. The Soviets say it is true, it is an accurate document in the sense that it is authentic. You cannot vouch for the exact language in it. But these remarks were made by General Quang, it is an authentic document out of the Soviet archives, out of the GRU intelligence community. So now we have a problem. This is two Communist nations during the war who were friends. This is an embarrassment. And the Communist Vietnamese were livid because it embarrassed them. But they were caught with their proverbial pants down. They had to say something. Here is what they said.

''Vietnam totally denies that ill-intentioned fabrication * * *. Realities prove that the report * * * is completely groundless.''

That was in the Foreign Ministry.

''General Tran Van Quang had nothing to do with the General Staff of the Vietnamese People's Army,'' said the Foreign Minister.

''This is a pure fabrication, and we completely reject it,'' said the Deputy Director of Vietnam's Office for Seeking Missing Persons.

''* * * it is a forgery document. It's totally false.''

This is Le Van Bang, former U.N. Ambassador from Vietnam, the charge d'affaires in Washington, DC. He is here now.

''[General Quang] was in no position to make such a report.''

''It's a sheer fabrication. It's non-existent.''

''The intelligence service that manufactured this report was a very bad intelligence service. It was absolutely wrong. Never in my life did I make such a report because it was not my area of responsibility * * *. I had nothing to do with American prisoners,'' said General Quang in April 1993.

Did anybody from the U.S. Government, anybody from the Clinton administration, meet with General Quang? You guessed it. No.

But I did. I did. I went over and spent a half-hour with him. He lied throughout the entire discussion. The reason I know he lied is because I asked him questions that I knew the answer to. He gave me the wrong answers to about just the basic information, about the war years, about information he had that I knew was accurate. He lied. He lied about this.

This is when the Vietnamese really got hot.

''The Russians can possibly open up their documents for you, but as long as the United States side is treating the Vietnamese as 'Trading with the Enemy,' we cannot open our documents for this reason.''

That is what the Vietnamese said. He said that to me, particularly the Vietnamese official in Hanoi. It is pretty revealing—that last quote, Mr. President, because the Vietnamese told me personally—that the Russians can open their documents, but we are not going to as long as there is a trade embargo.

That is exactly what they said to me. The Russians can open them up, but we are not opening them up until you get rid of the trade embargo; that is, Trading With the Enemy Act.

Well, the President lifted the embargo 2 years ago. After he lifted the embargo, we were going to have this whole raft of information which was going to come sweeping out of Vietnam.

We were going to be just besieged with it.

Well, we still do not have access to their Communist Party records on POW's. We had to get it through the Russians. So much for superb, splendid, outstanding cooperation, Mr. President.

Let us look at the second chart. Let us see what the Russians had to say about this document. I hope everyone is following this because we just saw what the Vietnamese had to say. These are the Russians. They do not have any reason to be lying to us about this. This is embarrassing to them if anything else. It would be the equivalent of England and the United States with some agreement during the war years that would embarrass one of us against the other. But here we have Dr. Rudol'f Germanovich Pikhoya, the Chief State Archivist of the Russian Federation in August of this year. Here is what he said:

> I am absolutely certain that the numbers—

That is the numbers of POW's.

> cited by General Quang are true. I believe that the data still exists in Vietnam which deals specifically with U.S. POW's . . . I am absolutely positive that the 1205 figure is absolutely true and correct as far as intelligence data is concerned. As an archivist and someone who has analyzed a great many documents, military and otherwise, I can tell you that this is an absolute truth:

He has used the word ''absolute'' two or three times:

> This number was announced by Quang at a closed Politburo meeting.

How do Russians get information out of a closed Politburo meeting? We do not need to get into that, but we all know how to get it.

Colonel General Ladygin, Chief, Main Intelligence Directorate of the General Staff Ministries of Defense. That is the GRU, the intelligence arm:

> General Tran Van Quang, according to the position he held in the Vietnamese military political leadership in 1972, would have been fully competent in the matters stated in the report and qualified to speak about them at Politburo sessions of the Vietnamese Communist Party Central Committee.

Fully competent in the matter stated. They knew who he was. They were allies. They knew who Quang was. Of course, they knew who he was. That is why they were spying on him, to put it nicely.

Captain 1st Rank Alexander Sivets, Main Intelligence Directorate of the General Staff, GRU. Listen:

> I will reaffirm that the 1205 document could not have been used for propaganda purposes. It was a top secret document not intended for anyone outside the chambers of the Vietnamese Communist Party to see . . . the document that was sent to the (Soviet) Central Party Committee is, in fact, an original document and not a fake. We consider that the Vietnamese leaders, in their desire to exploit the POW problem for their own interests, would officially cite a lower figure than the real one. This is something that we do not doubt . . . we believe that there were more (American POWs) than Vietnam was officially admitting to.

Gen. Dmitri Volkogonov, a real hero in my mind, who has worked hard on this issue on the side of Russia to help us resolve this issue even though he is very sick:

> Upon the request of Senator Smith to President Yeltsin —

That was a hand-delivered letter that my wife delivered to Boris Yeltsin, put it in his hand when he visited in America so there were no bureaucrats in between:

> Upon the request of Senator Smith to President Yeltsin, President Yeltsin ordered me to conduct additional research—

I mean we would not want anybody in the administration to give Yeltsin anything on this so I did:

to include in the files of the Main Intelligence Directorate of the Ministry of Defense. . . I have studied exhaustively the mechanism used to gather this document—

Listen carefully:

I have studied exhaustively the mechanism used to gather this document, and I can state that I do not know of any case where such information would have been fabricated. . . (General Ladygin) has stated that General Quang was fully competent to give his report.

That is a nice way of saying we collected intelligence in there. We are not going to tell you how we did it, but we did it.

Maj. Gen. Anitoliy Volkov:

The Vietnamese denied this document and said it was put forth to throw cold water on U.S. relations. However, I would say in response that there is an old Russian proverb—you cannot change the words of a song.

Once it is a song, it is a song. When you change the words, it is a different song, is it not, Mr. President?

I want to reiterate Mr. President, the Russians have told me right to my face, in my office and in Moscow, that the method by which these reports, the Quang documents, were collected were reliable by the GRU, the intelligence gathering agency. And it was a method through which they acquired other significant reports during the war. In fact, they acquired another report by General Quang to the North Vietnamese Politburo in June 1972, which has nothing to do with POW's and MIA's. In that report, he talks about North Vietnam losses during the Easter offensive in the spring of 1992, and guess what. That information, too, was all accurate. So if he was in a position to know this stuff, how could it not all be accurate? No one in the administration has even asked him about it.

Let us look at what two former National Security Advisers to the President had to say about the Vietnamese Politburo report.

Now, this is very interesting—very interesting. This was on MacNeil/Lehrer—Dr. Brzezinski, who was National Security Council adviser to President Carter, and Dr. Kissinger, who was the Secretary of State and the National Security Adviser to President Nixon.

Again, following up on the same two reports:

Dr. Brzezinski, you've stated publicly, and you're quoted in the New York Times as believing the document—

The 1205 document.

is genuine. What convinces you? Dr. Brzezinski, National Security Adviser to President Carter, right after the war. What convinces you?

Its style, its content, the cover note to the Soviet Politburo. One would have to assume a really very complex Byzantine conspiracy to reach the conclusion that this is not an authentic Soviet document based on a Vietnamese document.

Then MacNeil says:

Dr. Kissinger, what do you think on the question of authenticity, first of all, of the document?

Dr. Kissinger: I agree with Brzezinski that those parts that I know something about have an authentic ring.

Remember, this document deals not just with MIA's. It dealt with a whole raft of things. They have an authentic ring:

For example, when they (General Quang) described what their negotiating tactics were, those were the tactics they were using in negotiating with us.

Kissinger was the guy who negotiated the Paris Peace Agreement:

They say in this document that their proposals were first a cease fire and overthrow of President Thieu, after which they would use the prisoners to negotiate whatever other concerns they had. Now, as of the date of that document, those were their proposals. A month later they changed it, but I could see if you make a report to the Politburo in the middle of September and you want to summarize what the negotiating position is. . . .

He goes on to say:

If that document is authentic, and it is hard to imagine who would have forged it, for what purpose, then I think an enormous crime has been committed, and then we should—I do not see how we can proceed in normalizing relations until it is fully cleared up.

Dr. Kissinger himself: ''I do not see how we can proceed with normalizing relations until it is cleared up.''

Not only has it not been cleared up; we have not even talked to anybody about it.

Dr. Brzezinski:

As far as Vietnam is concerned, I think that if this document is sustained, and it looks unfortunately to be sustainable, we have the right to ask the present Vietnamese government to place those responsible in war crimes trials . . .

Dr. Brzezinski, President Carter's national security adviser.

Let me repeat this:

As far as Vietnam is concerned, I think that if this document is sustained, and unfortunately it looks to be sustainable, we have the right to ask the present Vietnamese government to place those responsible in war crimes trials . . .

We did not do that, did we? We just gave them diplomatic relations. We are going to give them money, trade, airplane routes.

Dr. Kissinger:

I don't think that we can normalize relations or ease conditions in international agencies until we have cleared up this issue . . . I don't see how we can proceed with North Vietnamese or with Vietnamese normalization until this question is cleared up . . .

Well, we did. So much for the impact of two National Security Council advisers, very respected, very knowledgeable, certainly more knowledgeable than anyone I know on this issue.

Let us look at what the President says, the Clinton administration denials concerning the 1972 Politburo report on American POW's. This is amazing. You heard Brzezinski, you heard Kissinger, you heard the Russians, the Russian intelligence. Now let us hear what our Government says.

What General Quang told us is not inconsistent with what we knew about him, and I have no reason to disbelieve General Quang.

That is General Vessey.

I have no reason to disbelieve [him].

The number of U.S. POWs mentioned in the document could not be correct . . .

Now, we are going to get to the CIA. Now we have to trash this thing, blow it up and make sure we could not possibly have any credibility left because we have to normalize. We cannot let this document get in the way.

So the CIA says:

The number of U.S. POWs mentioned in the document could not be correct, they contradict what the U.S. Government knows from years of research and the analysis of thousands of other intelligence documents.

So, the U.S. Government, the CIA, sitting here in Washington, DC, knows more than the Russian intelligence, who were on the ground, allies, knows more than anybody else:

All previously known information and conventional analytical thinking based on this information tend to refute the Russian document . . . Based on historical information we have amassed . . .

They do not say where they amassed it. They just amassed it. No proof.

We can assume that there is little evidence to support the claims made in the Russian document.

If I wanted to use profanity on the floor of the Senate—and I will not—there is a word for that, Mr. President. It comes from livestock of the male variety:

While portions of the document are plausible and some portions are accurate and true, evidence in support of its accuracy concerning the POWs is far outweighed by errors, omissions, and propaganda which detracts from its credibility.

Deputy Assistant Secretary of Defense for POW/MIA Affairs.

Let us drop down to Malcolm Toon, the U.S. Chairman, Joint Commission on POW/MIA's:

I am now prepared to accept as the best available answer to this annoying problem.

It is now an annoying problem. That is a very interesting choice of words, an annoying problem. Here is a guy out of the Communist archives of the Soviet Union, a general who was in a position to know almost everything about POW/MIA's, saying that they had more POW's and MIA's in the turnback, and now it is an annoying problem.

You bet your boots it is an annoying problem. If you want to normalize relations with a government that held them, it sure as heck is an annoying problem. That is what it says, an annoying problem.

But this is the one here. This is Robert Destatte, Vietnam analyst, Defense POW/MIA Office, statement to the Russian Government in August 1995. This is bizarre. Destatte is over there. And here is what he says. He is now going to argue with the Russian intelligence. He knows more about it than they do:

We have accurate knowledge of the movement of prisoners through the Vietnamese prison system. We have accurate knowledge of the numbers and locations of each of the detention camps in North Vietnam, [not only North Vietnam] South Vietnam, Laos, and Cambodia. Regarding the number of 1205,

taking into consideration the Americans who are unaccounted for, it's impossible to come up with the figure 1205 . . . We cannot accept that figure . . . If we look at the document, we know where Tran Van Quang was at the time. We also know what his position was. It's highly unlikely that Tran Van Quang would have presented a report on these issues to the Politburo.

Listen to that. It is highly unlikely. A very clear, precise word. ''Highly unlikely that * * * Quang would have presented a report on these issues to the Politburo.'' That he would have is highly unlikely. ''We cannot accept that figure. . .'' Baloney. They do not know what they are talking about.

We are told that there is no way that the numbers add up; General Quang did not, could not, have given the report. In fact, we are told there is no reason to disbelieve Quang. I think the fact that he is a North Vietnamese Communist general that waged war on American soldiers for an entire decade, a Vietnamese general who waged war on American soldiers for a decade, is that not enough reason not to brush this report aside? Do you not think he knew what he was talking about? It was not a propaganda piece. It was a document allegedly of an actual transcription of what he said. He is talking to the Politburo in Vietnam. He is not talking to the world out there trying to convince them of something.

It is amazing that the Clinton administration is so confident on this point. The Russians say it is accurate, that Quang did, in fact, give this report. And the Clinton administration says there is no reason to believe Quang. It is an annoying problem.

I cannot imagine—I am not an attorney, but in a court of law, if you were trying this case, I cannot imagine not getting a conviction that this document was real. If the administration wants to talk about whether the numbers make sense, let us look at the breakdown. The numbers certainly are not impossible. The word was that there could not possibly be that many POW's.

Well, here they are. There are the 2,170 lost in North Vietnam, South Vietnam, Laos, Cambodia, China. Total: 1,101. Those are missing.

Here are the ones KIA/BNR, another 1,000. We do not know for sure that every one of them is KIA/BNR, body not recovered. So there is certainly enough in the numbers. Baloney.

If the numbers do add up, why should the administration let Vietnam off the hook on these Russian documents? Why do we not at least investigate?

Let us take Laos as an example. We have 293 personnel missing from Laos; another 178 that we believe died during the war. So 293, 178, equals 471 in Laos.

In the Politburo report General Quang states:

From other categories of American servicemen in Indochina, we have captured 391 people, including . . . 43 in Laos.

Well, you are talking about 471. It would seem to me that if you add 391 and 43, you are somewhere in the vicinity of 430. And if 471 are missing from Laos, you do not have to be a rocket scientist to figure out there could be 430 people that we do not have accounted for.

Now, let me read from the excerpts from declassified minutes of a White House situation briefing in January 1973, 4 months after Quang's secret report.

During that White House meeting, Admiral Daniel Murphy of the Department of Defense stated:

We don't know what we will get from Laos.

We are back in 1973 now:

We don't know what we will get from Laos. We have only six known prisoners in Laos, although we hope there may be 40 or 41.

Mr. President, that is almost the exact number referenced by General Quang.

We never got any POW's back from Laos. Not one. Not one. Nine were sent back by the North Vietnamese into Vietnamese prisons. Not one, including David Hrdlicka, even though he was filmed and those films were sent all over the Communist world. Never got one back. Not one. And they were captured and they were held.

I was in Laos, flew in by helicopter, went up into the remote areas of the caves where Hrdlicka was held. We talked to the villagers who held him. We know he was held there. He was alive. They know what happened to him, too. I am not saying he is alive. I do not know that. My point is they know what happened to him, and there were others captured along the Ho Chi Minh Trail and Laos by Vietnamese units and taken into Vietnam. As I say, nine of them were Americans. Only nine of them ever came home.

In our committee hearings in 1992, Larry Eagleburger had sent a memo to Dr. Kissinger. He was a DOD official at the time. He sent a memo to Dr. Kissinger recommending military action to get back American POW's believed to be captured in Laos. This was at the time peace accords were being negotiated.

President Nixon said, ''It's inconceivable that there were not more names on the POW list from Laos.'' And this number, this 471, tracks with what General Quang said, Mr. President. He was there. Yet, in spite of all this, in spite of all these comments, in spite of all this information, the President of the United States, William Jefferson Clinton, said ''We're getting superb cooperation'' from the Vietnamese.

The Vietnamese have turned over one document concerning shootdowns of Americans in Laos. One. One document, and that is it, even though our intelligence agencies believe that the Vietnamese have many more records on who they captured in Laos. We know they do. And you know what, if we get that list, we will find out that they do.

The Pentagon refers to that one document that we have as the ''Group 559'' document, since the information was apparently compiled from the records of the North Vietnamese unit in Laos during the war, which was called group 559. I might say that document was provided in September 1993, 20 years later, 2 months after my last visit to Vietnam.

It was during that visit I sat with the Vietnamese and went through declassified documents from our own intelligence agencies page by page and conclusively proved that North Vietnamese units were, in fact, in Laos during the war shooting down and capturing American pilots. I actually read it to them, the Vietnamese. They never heard these before. It was declassified, so it was perfectly appropriate to do it. I actually read them the radio intercepts that we had on these guys being captured. They were shocked. It was the first time anybody of the United States ever sat down with the Vietnamese and gave them graphic evidence and said, ''Hey, guys, I'm sorry, don't give me the line anymore because we have the intercepts, we know you captured these guys. We don't know what you did with them 20 years later, but we know you captured them. So why don't you tell us? Stop the game.''

Not one shred of information on any of those guys. Not to me that year I was there, not to anybody else after that, but it is splendid cooperation, Mr. President.

So the Vietnamese put together this summary of shootdowns in Laos. They called it the group 559. They turned it over 2 months later, and our analysts at the Pentagon went through that summary and concluded:

The analysis of this document makes it clear that the Vietnamese have additional group 559 records that may contain information useful to POW resolution. This document makes explicit reference to wartime documents from which information was obtained.

Do we have these documents? Do we have these documents? No. But we are getting splendid cooperation. We are getting the oil money pumping over there, opening up the airline routes, get the businesses going because we are having splendid cooperation.

Ask the families, Mr. President, whether they think the cooperation has been splendid. Ask the families if they support normalization with Vietnam.

Since that summary document on Laos losses was turned over in 1993, practically nothing—nothing, for the most part—nothing has been turned over by Vietnam concerning cases of Americans lost in Laos.

All of these people who have come down here and railed against me on this issue over the years, railed against all the things I have said, ask them to come down here and rail about Laos. See what they know about Laos. Ask them to come down on the floor of the Senate and say, ''Yes, the Lao and Vietnamese in Laos have given us all the information on the Lao shootdowns.'' Ask them to do that. See if anybody has the nerve to come down and say that.

President Clinton has admitted as much in the 6-month overdue report which he provided to Congress on October 5, 1994. In that report, the President stated:

The Vietnamese have not turned over any major documents since September 1993.

It is another year later, and they still have not done it, but we are moving down the old fast track. Vietnam has done nothing credible in terms of releasing these records on American losses in Laos in addition to their high level reports on the politburo on the Russians which I spoke about earlier. The Russian intelligence data that we stumbled on by the action of a researcher named Steven Morris caught them in the act, and yet we have to debunk it. We have to say it is not true because if we say it is true or even indicate it might be true, we cannot normalize.

What I have tried to do is, as I have gone through this—and I must admit I am getting tired, Mr. President, but I cannot be as tired as some of the families are who have waited, so I am going to get through this. Bear with me just a little while longer.

Congressman JAMES TALENT, in a hearing chaired by ROBERT DORNAN June 28, 1995, this is now to Gary Sydow, senior analyst, Defense, POW/MIA Office, Department of Defense.

Question: Has the United States been granted access to Vietnam's wartime central committee level or politburo records pertaining to the subject of American POW's captured during the war in Vietnam, Laos, or Cambodia? Have they given us access to those central committee level or politburo records? Because I understand that is where these matters were discussed. Does anybody know?

In other words, have they given us access to the politburo records General Quang referred to.

Gary Sydow, senior analyst: ''The answer to that is no.''

That is the end of the statement. I have known Gary Sydow since I have been in the Congress. He is a very respected analyst. He has no agenda. He is a good man. He is telling the truth. He told the truth before Congress. The answer to that is no. But that did not stop normalization. That did not stop normalization, no. We have another agenda.

Even the administration representatives who traveled to Vietnam and those who are now stationed there have done little, in my opinion, to press the Vietnamese for the Quang document.

I have to believe in most cases they are honorable men and women, but why do they not ask for the document, why do they not press for the information? That is not asking too much.

Last Thursday, our new Chargé d'Affaires in Hanoi, Mr. Anderson, met with General Quang. Again, I got excited. He is going to meet somebody other than me. He is actually going to talk to General Quang. He is still alive. He still has this information in his head. So he is going to meet with him, this Mr. Anderson. So I got excited.

According to the press reports, the subject of the meeting was to thank each other for work on veterans issues, including the missing in action from both sides. That is what the meeting was about.

General Quang—they could not ask him for a more credible response on his document. The issue was not even raised, as far as I know. This is very disturbing in view of the fact that our new Chargé d'Affaires, Mr. Anderson, was the State Department's representative on POW/MIA issues during the interagency meetings at the end of the Carter administration in 1980. He served with Brzezinski. You would think he would be interested in pursuing these matters now that he is at Hanoi. My office called the State Department to find out what was actually said during that meeting. If the subject of the Guam report was not discussed at this meeting last Thursday, I would question what the point is of having diplomatic relations with Hanoi.

If we are going to have diplomatic relations with Hanoi to get the answers, why do we not ask for the answers? President Clinton said it was the best way to get answers on POW/MIA's. If we are not even going to raise the subject—it is obvious that all we are hearing is rhetoric from the administration, and there is no real commitment to serious follow-up on the issue.

Do you know what the sad thing is, Mr. President. I have been on the floor now—I do not even know—a long time. You just wonder how many people really care, other than the families and some who stay focused on this issue. It is so sad. Earlier in my remarks, I quoted assistant Secretary of State Winston Lord when he stated this past may, ''We have no reason to believe that the Vietnamese are not making a good-faith effort.'' Did he talk to Mr. Sydow? If you are listening, Mr. Lord, talk to Mr. Sydow. He has been around a long time. He knows a lot more about the issue than you do. Read the testimony of the committee, Mr. Lord.

I think it is clear, from everything I have gone through today, that the American people are being misled in terms of cooperation, because they are not cooperating. Are they cooperating at all? Yes. If you want to get into semantics, yes, sure. If we pay them several million dollars, we can dig around out in the crash sites, find a few teeth, a few bone parts, airplane parts. Sure. That is reasonable. That is progress. I am not opposed to that.

But that is not enough. I want the records. I want the Politburo access. I hate to say this, but this administration does not want the American people to find out what we already know about our missing POW's, because it is not a pretty picture, Mr. President. If it got out—and it will, but it will be after the fact—it would stop normalization because the American people would go crazy; they would yell and scream and write letters to their Congressmen and Senators, and they would be outraged. That is why we are not going to see this stuff until it is all done.

That is a sad thing for me to have to stand on the floor of the Senate and say. It is especially true when you look at this next chart of quotes from President Clinton himself and Vice President GORE. I do not know what more you can do other than to judge people by their words.

President Clinton, before he was sworn in as President, stated this because there was a lot of controversy about his lack of service in the war, and so Vietnam was an issue in the campaign. He said:

I have sent a clear message that there will be no normalization of relations with any country that is at all suspected of withholding information on missing Americans.''

That was Bill Clinton prior to his assuming office as President.

During the campaign, he said:

I think that the Vietnamese would be making a mistake if they think they could get, somehow, a better deal from me. I made real commitments to the American people and to the families and friends and the POWs and the MIAs that, you know, we've got to have a full, complete, good accounting before we normalize relations.

I am sorry to have to give you the bad news, Mr. President, but we do not have a full accounting.

AL GORE, the Vice President, who served in Vietnam, was even stronger. He said, in 1993, after he took office:

I'll tell you this. The great push towards normalization of relations is very strong, and a lot of other countries are moving there, but it's not going to go forward until we're satisfied that the Vietnamese government has been totally forthcoming and fully cooperative in giving every last shred of evidence that they have on this issue. We're very concerned about it.

Every last shred of evidence? Oh, my. Last month, the President said that normalizing relations with Vietnam is the best way to ensure further progress. Now it is ''further progress.'' You go from, ''we have to get all the answers to normalize'' to ''if we normalize, we will get more answers.'' It is a complete reversal, Mr. President, a flip-flop on a campaign promise. The American people need to understand that, and so do the families have to understand that.

The last chart, Mr. President—and this is the last chart and the end of my remarks for tonight—brings it home directly. This basically is a breakdown, by State, of all the missing. As far as I know, every State in the Union has American soldiers missing from the Vietnam war, including nine from my State of New Hampshire. I want my colleagues to understand something. These are not just statistics. Behind every one of those numbers—behind the nine in New Hampshire, behind the 210 in California, behind the 28 in Louisiana, or the 20 in Montana—is a family, a brother, sister, father, mother, wife, husband. They all wait. They all wait. They all wait. All these years, they wait.

You know, in war, you lose people. People die. People get killed, lost. People are not found. We understand that, and so do the men and women who serve understand that, and so do their families understand it. But that is not what we are talking about here. We are talking about sharing information that this Government has with the American people, so they can make an intelligent decision, through their representatives, about whether or not we should normalize with a country that did this to us. They have withheld this from us all these years, but we have basically done that—normalized with them.

I could go on and on. There is a case involving an aircraft shot down by north Vietnamese forces in Laos 1 week after the Paris peace accord—just a week after the Paris peace accord, Mr. President, when they all were supposedly accounted for. One week after, it was shot down. At the time, there were national security agency radio intercepts, and based on these intercepts, the probable capture and movement along the Ho Chi Minh trail of Americans by the North Vietnamese in this incident. To show you the agony the families have to go through—and I do not want to get into whether it is right or wrong— now the Pentagon wants to bury the entire crew at Arlington because they found half of a tooth at the crash site in 1993.

Now, how do you explain to a family why half a tooth found at a crash site could conclusively tell a family that is their loved one when we had radio intercepts that these guys were taken away from the crash site? How do you do that?

I am told this is only forensic evidence that was recovered and now they want to bury the whole crew. Their names have been taken off the list. That is what it is—get that list down. Even though the Vietnamese may not have provided one shred of documentary evidence as to what happened to these men. They know what happened to these guys. They could tell us. If they died, they know. If they were led off and executed, they know. If they died in captivity, they know.

What do they do? They say, go ahead, take your shovels. We will sell the shovels to you, sell you the bulldozers, or lease you the bulldozers, give you some men at ridiculously high prices for labor, and we will let you go out there and dig around at the crash site when, in fact, we have all the information in the archives. We know what has happened. That is progress. That is the cooperation we are getting.

It is hard for a family to have to deal with that. Imagine yourself, a father or mother, a spouse, to have to look at that report, then be asked to accept a tooth at that crash site when, in fact, you have radio intercepts, intelligence reports that said these men were captured.

I do not know what is right. I do not know if the radio intercepts were right or wrong but the Vietnamese know. They can tell us. They can tell these families so we do not have to go through this pain anymore.

I have a long list of other cases, and I am not going to go through them. There has been no cooperation of the many requests from Congress for basic information on MIA's.

I hope my reason for taking the time of the Senate tonight, I hope that this issue might somehow, some way, hit home for each of my colleagues. When you look up there in your State and you see that number, think about it. There is a family behind every single number—children, grown now, some of them, children of their own, down at the wall.

I have looked at this issue for 11 years, and I know what I am talking about. I know what I am talking about. Communist Vietnam, Communist Laos, Communist North Vietnam and Communist China, as God is my witness, holds information on American service personnel today as I speak. They hold it and they can account for them.

We do nothing about it except normalize and go on with business as usual as if everything is all right, everything is more important, and then on top of that, we hide it from the Congress in violation of the law to be sure that we get it doing.

If we do not pursue the documents, or call into serious question the President's ill-advised decision to normalize, I am offended as a veteran, as a father with two sons and a daughter, any of whom could be sent off to Bosnia.

Mr. President, this is a tough issue. There is no question about it. It is a tough issue. The people say to me, ''Senator, why don't you put the war behind you? Why don't you end this?'' Because you have to get the truth. That is all we want, is the truth.

We do not want something that you cannot deliver on. If the Vietnamese cannot provide answers, then tell us why they cannot, but provide us unilaterally with everything that you can. And for God's sake, the United States Government, in a timely fashion, please provide any information that you have so that the families can finally get the peace that they deserve after so many years.

EXHIBIT 1

THE SECRETARY OF DEFENSE,
Washington, DC, February 14, 1977.

Memorandum for the President.

I understand that at your meeting on February 11 with leaders of the National League of Families, you indicated that the moratorium on unsolicited status changes for MIAs would continue. From our conversation before that meeting, my understanding is that the Department of Defense should go through all the files, getting ready to move on a program of unsolicited status changes later this year depending upon the outcome of negotiations with the Vietnamese.

Do I correctly understand your wishes?

HAROLD BROWN.

NATIONAL SECURITY COUNCIL,
March 2, 1977.

Memorandum for Zbigniew Brzezinski.
From: Michel Oksenberg.
Subject: Letter to Carol Bates of National League of Families.

Attached at Tab A is a reply for your signature to a letter from Carol Bates (Tab B).

I chose a reflective reply, since we wish to sustain Ms. Bates' confidence in us. We still have to cross the difficult bridge with these people.

Recommendation: That you sign the letter at Tab A.

NATIONAL SECURITY COUNCIL,
March 15, 1977.

Memorandum for Zbigniew Brzezinski.
From: Michel Oksenberg, MD.
Subject: League of Families' Reaction to Presidential Commission to Hanoi.

Signs are beginning to accumulate that many members of the League of Families are distressed by the purpose of the Woodcock Commission. They believe it is simply a ritualistic effort to obtain an accounting, with the President already having decided that he will accept whatever the Vietnamese give as sufficient to justify movement toward normalization.

I think it important to keep the League on board for as long as possible.

I have just talked to Carol Bates, Administrative Assistant of the League. I think that she is basically a reasonable person, and she indicated to me that a letter from you might enable her to prevent the convening of a meeting and/or press conference that would blast this effort before the Commission returns home with its report.

Recommendation: That you sign the letter to Carol Bates at Tab A.

NATIONAL SECURITY COUNCIL,
March 25, 1977.

Memorandum for Zbigniew Brzezinski.
From: Michel Oksenberg, MD.
Subject: Forthcoming Paris Negotiations with the Vietnamese.

You might wish to underscore to the President the desirability of toning down expectations, should a question arise at the press conference about the Paris negotiations.

The Vietnamese media have been vitriolic in their attacks on the U.S. They have explicitly linked aid to recognition. They have begun to release additional communications which passed between the Nixon Administration and the DRV.

Among other considerations, the hardened mood makes it unlikely that we will be obtaining more information on MIAs. At the same time, in response to the President's request, the Pentagon is forwarding recommendations on status reviews of the MIAs. The Pentagon will recommend that case reviews go forward, i.e., that MIAs be declared KLAs. This will place the President in a difficult political position, should he decide to accept the Pentagon's recommendation. He had earlier pledged not to allow case reviews until adequate accounting had been obtained. And he had raised public expectations that the Vietnamese were going to be more forthcoming on MIA information. Now it looks as if we may be in a deep freeze for at least many months.

Placed in the broadest context, when one considers the Vietnamese statements as well as Congressional votes against aid to Vietnam, we see the inability of two bitter enemies swiftly to place the past behind them, as the President had hoped. I have drafted a Q&A for the President in this realm which I think is appropriate for the occasion and in keeping with his style. You might draw it to his attention (Tab A).

Recommendation: That you mention this to the President before the press conference.

THE SECRETARY OF DEFENSE,
Washington, DC, May 26, 1995.

Memorandum for the President.

Subject: Status Reviews for Servicemen Missing in Southeast Asia.

You have asked for my recommendations concerning status reviews for MIAs.

As you know, since mid-1973 DoD has conducted status reviews only upon the written request of a missing serviceman's primary next of kin or upon receipt of conclusive evidence of death, such as the return of his remains. The Woodcock Commission concluded (as had the House Select Committee on Missing Persons in Southeast Asia, and the Department of Defense) that there is no evidence that any American servicemen are alive and being held against their will in Southeast Asia.

It is true that the Southeast Asian governments probably have significantly more information about our missing men than they have given to us. There is no reason to believe, however, that continuing to carry servicemen as missing in action puts pressure on Hanoi to provide information on our missing men. In fact, the opposite probably is true; it puts pressure on us to make concessions to Hanoi.

Status reviews, and obtaining of a complete accounting, are two distinct issues. An accounting that confirms death by direct evidence validates a declaration or presumption of death for a missing serviceman, but it is not a legal prerequisite to a status change.

Given the overwhelming probability that none of the MIAs ever will be found alive, I believe the time has come to allow the Secretaries of the Army, Navy and Air Force to exercise their responsibilities for status reviews as mandated by law even though we have not received a full accounting.

Reinstatement of reviews will of course be controversial. Certain members of the Congress, some families of the missing men, and others will charge that it is an abandonment of one MIA.

* * * * *

The resumption of reviews will be preceded by (1) an expression of our strong commitment to obtaining further information about the missing men and (2) careful preparation of concerned groups for the change of policy.

The decision will be discussed forthrightly with the National League of Families.

Appropriate Senate and House leaders and key members will be given advance notice.

The procedures for status reviews will be uniform among the Military Departments, in accordance with legal requirements, and announced through simultaneous letters from the Service Secretaries to the PW/MIA families.

The public will be informed of the reasons for reinstituting status reviews and assured that this does not detract from our determination to obtain an accounting. (I suggest that the public announcement would be most effective coming from you, but I am prepared to make it instead.)

Your decision:

1. Reinstate status reviews in accordance with the foregoing: Approve ☐. Disapprove ☐. Other ☐.

2. Presidential statement to apprise public: Approve ☐. Disapprove ☐. Other ☐.

3. Prepare for your approval a detailed plan of procedure: Approve ☐. Disapprove ☐. Other ☐.

HAROLD BROWN.

Mr. THOMAS. Mr. President, I rise today as the chairman of the Subcommittee on East Asian and Pacific Affairs to join with the Senator from New Hampshire in expressing my profound disappointment with the way the Clinton administration is managing—or more correctly, mismanaging—our bilateral relationship with the Socialist Republic of Vietnam.

My colleagues know that I was not supportive of the President's decision to normalize relations with Hanoi. This opposition was not based on my dislike of that country's Communist dictatorship, or even its brutal repression of its own people—although in this administration's view these two bases seem sufficient to continue to deny recognition to Cuba and North Korea. Rather, I did not believe that we should reward Vietnam with the normalization of relations when, in my opinion and the opinion of many of the Members of this body, Hanoi has not been sufficiently forthcoming with information about our country's missing and dead servicemen in Vietnam and Laos.

I will not rehash the normalization issue; the President made that decision and it serves little purpose to argue about a fait accompli. However, one of the issues that brings Senator SMITH and I to the floor today are the increasing signs that this administration's has decided to explore expanding our bilateral relationship to the economic benefit of the Vietnamese Government while completely disregarding the lack of Vietnamese progress on both the POW/MIA and human rights fronts. Representatives from the State Department and the Office of the U.S. Trade Representative were scheduled to come to the Hill this week to brief our staffs on the administration's decision to move toward expanding economic relations with Vietnam. Apparently, interagency discussions have been ongoing to the topic of extending loans and assistance to the Vietnamese through the Import-Export Bank, the Trade Development Agency, and the Overseas Private Investment Corporation. This at a time when POW/MIA issues remain unresolved, the Clinton administration is in flagrant violation of a law requiring the submission to the Congress of a report about the POW/MIA issue, and two American citizens remain jailed in Vietnamese prisons for advocating democracy in that country. The Senator from New Hampshire has already spoken forcefully to the POW/MIA issue, so I will limit my remarks to the second and third topics.

Mr. President, the Clinton Administration continues to fail to live up to its legal obligations with respect to the POW/MIA issue. For example, section 1034 of the act of October 5, 1994, Public Law No. 103–337, 108 Stat. 2840, requires the Secretary of Defense to provide the Congress with a complete list of missing or unaccounted for United States military personnel about whom it is possible that Vietnamese and Laotian officials could produce information or remains. The statute mandated that the report be submitted to us by November 17, 1994. When the DOD requested an extension of the deadline to February 17, 1995, we did not object. We did not object when the DOD supplied us with a sadly incomplete interim report. But Mr. President, almost 9 months after that date—and almost a year after it was due to be submitted—we have still not received that complete report required by the statute.

While I acknowledge that the President has wide latitude in the conduct of foreign policy, that latitude does not extend whether his administration abides by the legal requirements of Federal statutes. I and several other Senators wrote the President this summer requesting that the Defense Department comply with the law; we are still awaiting a response. Congress requested the list in order to determine for ourselves whether Vietnam was providing the United States with the fullest possible accounting of our POW/MIA's. Each day that passes without it, I believe, sends us the signal that the administration is indifferent to both our concerns and our role. As the chairman of the Foreign Relations Subcommittee with jurisdiction over Vietnam, I can assure the President that as each day passes without our receipt of the report, the likelihood that any ambassadorial nominee or funding request for that country will be indefinately held in my subcommittee increases commensurately.

Second, I am very concerned with the seeming disparity with which the Clinton administration has chosen to treat Vietnam's jailing of two American citizens—Tran Quang Liem and Nguyen Tan Tri—versus its reaction to China's arrest of Harry Wu. I spoke at length on the floor on September 5 about Vietnam's atrocious human rights record in general, and the case of these two Americans in particular. In August, a Vietnamese court sentenced Tran and Nguyen who were accused of being counter-revolutionaries and acting to overthrow the people's administration. The two were part of a group trying to organize a 1 day conference in Ho Chi Minh City to discuss human rights and democracy in Vietnam. Radio Hanoi Voice of Vietnam, in somewhat characteristic Communist rhetoric, described their ''crimes'' as follows:

> Taking advantage of our party's renovation policy, they used the pretext of democracy and human rights to distort the truth of history, smear the Vietnamese communist party and state, instigate bad elements at home, and contact hostile forces abroad feverishly oppose our state in an attempt to set up a people-betraying and nation-harming regime. . . . Their activities posed a particular danger to society and was detrimental to national security.

They were sentenced to terms of 4 and 7 years respectively.

When human rights activist and American citizen Harry Wu was arrested in the People's Republic of China this summer, the Clinton administration appropriately raised a huge diplomatic outcy. When Wu was jailed, public calls for his immediate release came from the highest levels of the administration. It was made clear that Mrs. Clinton would not attend the U.N. Women's Conference in Beijing if he

was still being held, and that other high-level contacts would be disrupted. In essence, the signal went out that business as usual would be suspended until his release.

Well Mr. President, where is a similar outcry about the fate of these two Vietnamese-Americans? The only statement I have seen from the State Department so far was one announcing that they had raised this case with the Vietnamese a number of times, here and in Hanoi. The information available to me and other Members of the Senate, however, indicated that the issue was only being raised at the consular level. It was for that reason that Senator GRAMS introduced, and I cosponsored, Senate Resolution 174 calling on the Secretary of State to pursue their release as a matter of the highest priority and requesting that he keep the Foreign Relations Committee informed regarding their status. Senate Resolution 174 passed unanimously on September 19, yet since that time the administration gives the appearance of moving ahead with business as usual. I have seen no public statements by the Secretary regarding the case, and as the chairman of the subcommittee of jurisdiction I have not seen any reports on its status. While I have become aware that there have been some behind-the-scenes moves to secure their release, it is no thanks to the State Department that that information came to my attention.

During his campaign for President, then-candidate Clinton lambasted President Bush's relations with China—not dissimilar, I must note, from those Clinton himself has since adopted—and accused him of coddling dictators. Well, Mr. President, with movement toward increased economic aid in spite of the treatment of our citizens, in spite of Vietnam's horrendous human rights record, one might be tempted to ask who's doing the coddling now?

I have no strong objection to the eventual institution of full diplomatic and economic relations with the people of Vietnam. But to move toward that goal while we have these important issues outstanding is, I believe, an affront to the memories of our missing and killed American servicemen, their families, and the families of the two jailed Americans.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NOTICE OF THE CONTINUATION OF THE IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond November 14, 1995, to the *Federal Register* for publication. Similar notices have been sent annually to the Congress and the *Federal Register* since November 12, 1980. The most recent notice appeared in the *Federal Register* on November 1, 1994.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. The international tribunal established to adjudicate claims of the United States and U.S. nationals against Iran and of the Iranian government and Iranian nationals against the United States continues to function, and normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. Indeed, on March 15 of this year, I declared a separate national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act and imposed separate sanctions. By Executive Order 12959, these sanctions were significantly augmented. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the November 14, 1979, declaration of emergency, including the authority to block certain property of the Government of Iran, and which are needed in the process of implementing the January 1981 agreements with Iran.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 31, 1995.*

MESSAGES FROM THE HOUSE

At 9:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the following bill, without amendment:

S. 457. An act to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1358. An act to require the Secretary of Commerce to convey the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

H.R. 1508. An act to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park.

H.R. 1691. An act to provide for innovative approaches for homeownership opportunity and provide for the temporary extension of the rural rental housing program, and for other purposes.

H.R. 2005. An act to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 249) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. KASICH, Mr. WALKER, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. SABO, Mr. BONIOR, and Mr. STENHOLM.

As additional conferees from the Committee on the Budget, for consideration of title XX of the House bill, and modifications committed to conference: Mr. KOLBE, Mr. SHAYS, Mr. HOBSON, Ms. SLAUGHTER, and Mr. COYNE.

As additional conferees from the Committee on Agriculture, for consideration of title I of the House bill, and subtitles A–C of title I of the Senate amendment, and modifications committed to conference: Mr. ROBERTS, Mr. EMERSON, Mr. GUNDERSON, Mr. DE LA GARZA, and [vacancy].

As additional conferees from the Committee on Banking and Financial Services, for consideration of title II of the House bill, and title III of the Senate amendment, and modifications committed to conference: Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. GONZALEZ, and Mr. LAFALCE.

As additional conferees from the Committee on Commerce, for consideration of title III of the House bill, and subtitle A of title IV, subtitles A and G of title V, and section 6004 of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. SCHAEFER, and Mr. DINGELL.

As additional conferees from the Committee on Commerce, for consideration of title XV of the House bill, and subtitle A of title VII of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. BILIRAKIS, Mr. HASTERT, Mr. GREENWOOD, Mr. DINGELL, Mr. WAXMAN, and Mr. PALLONE.