I remember one time traveling to Richmond, VA, to speak at a GOP gathering—actually a State convention. It was an effort to try to bring the party together after a somewhat divisive campaign. Ken was my guide to all the party officials, from those with high rank to those whom we never hear much about, but make our party work. His understanding and devotion to the Virginia State Republican party was strong, and unwavering, and Virginia benefited from his dedication and hard work.

But his political knowledge was equaled, and exceeded, by his vast storehouse of knowledge about Virginia history. He knew more on this subject than any person I have ever met. From the beginning of the Commonwealth as a colony of England, to the present day, you had no better guide than Ken. When you are talking about Civil War battlefields, which I happen to be interested in, my small knowledge paled in comparison to Ken Foss's. And all this information, Ken shared freely, enthusiastically, from school children to the elderly, inspiring many whom he met.

As all of our colleagues know, we are renovating the Rotunda. I had the pleasure earlier this year of making my second or third trip to see the Rotunda in my Senate career. Of course, Ken Foss wanted to participate in that, and he climbed all the way to the top with us. All of us on that tour certainly enjoyed his presence that morning, because, again, his ability to be able to illuminate history, going back to Washington, going back to the founding of our country, and explaining various facts about our Capitol, was certainly informative and reminded us all of what a resource the Capitol is to tell our country's story to her citizens.

To Ken Foss's family, to his father and mother, to his brother, to his countless friends, to his colleagues in the Senate, certainly he will be missed by all of us. We deeply appreciate his dedication to the Senate. We wish to extend our condolences and sincere sympathies to his family and to his friends.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 1555, the intelligence authorization bill:

Senators Trent Lott, Pete V. Domenici, Paul Coverdell, Jesse Helms, Chuck Hagel, Judd Gregg, Slade Gorton, Craig Thomas, James Inhofe, Frank H. Murkowski, Jon Kyl, Jim Bunning, Tim Hutchinson, Connie Mack, Rick Santorum, and Richard Shelby.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on the motion to proceed to H.R. 1555, the intelligence authorization bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—99

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote the yeas are 99, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

DISAPPROVING THE EXTENSION OF THE WAIVER AUTHORITY CONTAINED IN SECTION 402(c) OF THE TRADE ACT OF 1974 WITH RESPECT TO VIETNAM—MOTION TO DISCHARGE

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire, Mr. SMITH, is recognized to offer a motion to discharge the Finance Committee of S.J. Res. 28, on which there shall be 1 hour of debate, equally divided.

The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, pursuant to the Trade Act of 1974, and the rules of the Senate, I make a privileged motion that the Senate Committee on Finance be discharged from further consideration of Senate Joint Resolution 28, a resolution disapproving the President's June 3, 1999, waiver of freedom of emigration requirements for Vietnam as a condition for expanded U.S. trade benefits.

Before going into that, Mr. President, on behalf of the leader, I ask unanimous consent that the time accorded to the majority leader on the two motions—the one on China and the one on Vietnam—be allocated to the Senator from New Hampshire, Mr. SMITH.

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

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that the vote with respect to trade with Vietnam be postponed to occur in a stacked sequence following the vote with respect to trade with China.

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

Mr. SMITH of New Hampshire. I yield the floor, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I yield as much time as he should desire to my distinguished chairman and friend, the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. I thank the Senator from New York. I also express my appreciation for the cooperation of my good friend, the Senator from New Hampshire.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Holly Vineyard, a Finance Committee detailee from the Department of Commerce, be granted floor privileges during the pendency of S.J. Res. 27 and S.J. Res. 28.

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

Mr. ROTH. Mr. President, I rise today in opposition to Senator SMITH's motions to discharge the Finance Committee of S.J. Res 27 and 28. These resolutions would overturn the President's extension of the Jackson-Vanik waiver authority with respect to China and Vietnam.

I can understand Senator SMITH'S desire to have the Senator consider and debate these resolutions. Our economic relationship with these countries is clearly worth our attention.

This, however, is not the time for such a debate. There is a process already underway in the House on these resolutions that we should allow to continue. The Ways and Means Committee has already reported out these resoltuions—both adversely, I might add. Floor action in the House on both these measures is already planned for the next few weeks. With the House ready to act, there is no reason for us to undercut that process by taking these matters up at this time.

If the House does pass either of these resolutions, then the Senate should consider them on their merits. On the issue of China, I will be ready, along with many of my colleagues, to discuss why maintaining normal trade relations with that country is in our national interest. In short, there are—and there will continue to be—areas of significant disagreement between our two nations. But the record is clear that our commercial relationship with China has been good for our economy. It has also helped bring about positive change in China.

On the issue of Vietnam, I look to my colleagues, Senators JOHN KERRY, MCCAIN, BOB KERREY, HAGEL, ROBB, and CLELAND. These Senators—all Vietnam veterans—support the Jackson-Vanik waiver. In their view, the President's waiver has helped in resolving the problems we have had with Vietnam on emigration.

While these are my views, in brief, a more substantive discussion of these issues should come at a later time. Until the House acts, we should complete our work on the matters already before us. After all, the motions to discharge the committee are effectively motions to proceed to the resolutions themselves. That means, under the Jackson-Vanik statute, 20 hours of floor debate on each measure. That also means putting off our consideration of the appropriations bills.

For these reasons, I urge my colleagues to vote against Senator SMITH's motions.

Mr. MCCAIN. Mr. President, I oppose Senator SMITH's motion to discharge from the Senate Finance Committee his resolution disapproving of the extension of the Jackson-Vanik waiver for Vietnam. I do so because I believe the House should properly act first on a measure of this nature, because the Committee should be afforded the opportunity to render judgment on Senator SMITH's resolution before it is taken up by the full Senate, and because Vietnam's Jackson-Vanik waiver, like China's Normal Trade Relation status, is too important to fall victim to the political currents buffeting the Senate at this time.

Procedurally, the Senate has traditionally reserved consideration of Jackson-Vanik waivers and the granting of Normal Trade Relation status until after the House has acted. As my colleagues know, the House Ways and Means Committee has unfavorably reported the House resolutions of disapproval for both Vietnam's Jackson-Vanik waiver and China's Normal Trade Relation status. These measures are scheduled for floor action in the House. The Senate should not rush to judgment on either of these measures until the House has voted on them. Indeed, the Senate has over 40 remaining days under the statutory deadline for action on the waiver.

Substantively, the Jackson-Vanik amendment exists to promote freedom of emigration from non-democratic countries. The law calls for a waiver if it would enhance opportunities to emigrate freely. Opportunities for emigration from Vietnam have clearly increased since the President first waived the Jackson-Vanik amendment in 1998. The waiver has encouraged measurable Vietnamese cooperation in processing applications for emigration under the Orderly Departure Program (ODP) and the Resettlement Opportunity for Vietnamese Returnees agreement (ROVR).

The Jackson-Vanik waiver has also allowed the Overseas Private Investment Corporation (OPIC), the Export-Import Bank (EXIM), and the Department of Agriculture (USDA) to support American businesses in Vietnam. Withdrawing OPIC, EXIM, and USDA guarantees would hurt U.S. businesses and slow progress on economic normalization. It would reinforce the position of hard-liners in Hanoi who believe Vietnam's opening to the West has proceeded too rapidly.

Let me assure my colleagues that I harbor no illusions about the human rights situation in Vietnam. There is clearly room for improvement. The question is how best to advance both the cause of human rights and U.S. economic and security interests. The answer lies in the continued expansion of U.S. relations with Vietnam.

Although the Jackson-Vanik waiver does not relate to our POW/MIA accounting efforts, Vietnam-related legislation often serves as a referendum on broader U.S.-Vietnam relations, in which accounting for our missing personnel is the United States' first priority. Thirty-three Joint Field Activities conducted by the Department of Defense over the past six years, and the consequent repatriation of 266 sets of remains of American military personnel during that period, attest to the ongoing cooperation between Vietnamese and American officials in our efforts to account for our missing service men. I am confident that such progress will continue.

Just as the naysayers who insisted that Vietnamese cooperation on POW/MIA issues would cease altogether when we normalized relations with Vietnam were proven wrong, so have those who insisted that Vietnam would cease cooperation on emigration issues once we waived Jackson-Vanik been proven wrong by the course of events since the original waiver was issued in March 1998.

The Jackson-Vanik amendment was designed to link U.S. trade to the emigration policies of communist countries, primarily the Soviet Union. The end of the Cold War fundamentally restructured global economic and security arrangements. As the recent expansion of NATO demonstrated, old enemies have become new friends. Moreover, meaningful economic and political reform can only occur in Vietnam if the United States remains engaged there.

Last year, I initiated a Dear Colleague letter to members of the House of Representatives signed by every Vietnam veteran in the Senate but Senator SMITH, who has opposed every step in the gradual process of normalizing our relations with Vietnam over the years. There are those in Congress, including Senator SMITH, who remain opposed to the extension of Vietnam's Jackson-Vanik waiver. But they do not include any other United States Senator who served in Vietnam and who, as a consequence, might be understandably skeptical of closer U.S.-Vietnam relations.

That body of opinion reminds us that, whatever one may think of the character of the Vietnamese regime, such considerations should not obscure our clear humanitarian interest in promoting freedom of emigration from Vietnam. The Jackson-Vanik waiver serves that interest. Consequently, I urge my colleagues to oppose Senator SMITH's extraordinary motion to discharge consideration of his resolution from the Finance Committee.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, on behalf of the minority of the Finance Committee, I want to associate myself wholly with the remarks of our chairman.

This is not the time to engage in protracted debate on the Senate floor over our economic relations with China and Vietnam. The Finance Committee has not yet had an opportunity to consider the disapproval resolutions that the Senator from New Hampshire seeks to discharge. Nor has the House acted on the companion measures. It will do so later this month. If the motions to discharge the Finance Committee are approved, the Senate will be committing itself, as the Trade Act of 1974 provides, to 20 hours of debate on Vietnam and 20 hours of debate on China. The Senate's time is better spent on other matters.

The Senator from New Hampshire has moved to discharge the Finance Committee from further consideration of Senate Joint Resolution 27 and Senate Joint Resolution 28. Let us be clear what is at issue here. S.J. Res. 27 and S.J. Res. 28 disapprove of the President's decision of June 3, 1999 to extend for another year his waiver of the so-called ''Jackson-Vanik'' amendment as

it applies to China and Vietnam, respectively.

A bit of history is in order. The Jackson-Vanik amendment was the vision of Senator Henry M. Jackson of Washington, who, in 1972, first proposed:

> . . . an unprecedented measure to bring the blessings of liberty to these brave men and women who have asked only for the chance to find freedom in a new land.

''Scoop'' Jackson's amendment was precipitated by the decision of the Soviet Union, in August 1972, to assess exorbitant fees on persons wishing to emigrate. Cloaked as ''education reimbursement fees'' or ''diploma taxes,'' the Soviet authorities argued that emigrants owed an obligation to reimburse the Government for their free education, since, by reason of their departure, the emigrants would no longer put their education to use for the benefit of Soviet society.

The exit taxes applied to all emigrants, but affected primarily Soviet Jews wishing to emigrate to Israel or the United States. Thus was born the Jackson-Vanik amendment. Representative Charles Vanik of Ohio was the chief sponsor in the House. The amendment—Section 402 of the Trade Act of 1974—provides that no country shall be eligible to receive Normal Trade Relations tariff treatment or to participate in any United States Government programs that extend credit or credit guarantees or investment guarantees if that country:

(1) denies its citizens the right or opportunity to emigrate;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice.

Under the law, the President may waive these restrictions if he determines that:

> . . . such waiver will substantially promote the objectives of this section . . . and he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

The United States has granted NTR status to China since 1980, on the basis of a waiver of the Jackson-Vanik provisions. Vietnam does not yet enjoy NTR status, but, since 1998, when the President first waived the Jackson-Vanik requirements, U.S. exports to Vietnam and investment projects in that country have been eligible for certain U.S. Government credits and credit and investment guarantees issued by the United States Export-Import Bank, the Overseas Private Investment Corporation and the United States Department of Agriculture.

The issue before the Senate, then, is whether the Senate agrees with the President's assessment of the emigration policies and practices of China and Vietnam. At stake are our economic relations with those countries.

The first point to be made is that the authors of the Jackson-Vanik amendment had neither China nor Vietnam in mind when they drafted their provision. The amendment was a creature of the Cold War, and is today an anachronism in many respects.

The President's June 3, 1999 report to the Congress, which accompanied his determination to extend the Jackson-Vanik waiver to China for another year, made the following points:

> In FY 1998, 27,776 U.S. immigrant visas were issued to Chinese nationals abroad, up slightly from FY 1997 . . . and up to the numerical limitation under U.S. law . . . .
>
> The principal constraint on increased emigration continues to be the capacity and willingness of other nations to absorb Chinese immigrants rather than Chinese policy.

On Vietnam, the President reported the following:

> Overall, Vietnam's emigration policy has liberalized considerably in the last decade and a half. Vietnam has a solid record of cooperation with the United States in permitting Vietnamese to emigrate. Over 500,000 Vietnamese have emigrated as refugees or immigrants to the United States under the Orderly Departure Program (ODP), and only a small number of refugee applicants remain to be processed.

The President reported particular progress in the so-called ROVR program—the Resettlement Opportunities for Vietnamese Returnees program—formalized in 1997 to facilitate the emigration of Vietnamese who were still in asylum camps in Southeast Asia or who had recently returned to Vietnam.

As the President noted in his June 3, 1999 report:

> After a slow start, processing of eligible cases under the ROVR program accelerated dramatically in 1998 and is now near completion. As of June 1, 1999, the [Government of Vietnam] had cleared for interview 19,975 individuals, or 96 percent of the ROVR applicants.

Given these findings, I would submit that the President's determination to waive the Jackson-Vanik freedom-of-emigration provisions with respect to both China and Vietnam was fully in accordance with the law. I urge my colleagues to vote against the motion to discharge the Finance Committee from further consideration of the disapproval resolutions: there is no need to take the Senate's time at this point.

Mr. HELMS. Mr. President, the able Senator from New Hampshire is to be commended for bringing to the attention of the Senate the issue of normal trade relations with the communist regimes of China and Vietnam.

Few Senators have so steadfastly opposed communism in East Asia as Senator BOB SMITH. During this decade when it has been fashionable to declare the cold war over and just forget about the billion-plus people who continue to suffer under communist oppression, Senator SMITH has remained firm in his commitment to freedom in East Asia and that is why he is bringing these motions before the Senate today.

And on that score, I join Senator SMITH in support of the policies that he is emphasizing here today—that of denying normal trade status to Communist China and Vietnam. The Senator is right on the mark. Neither of these illegitimate regimes merits this honor. Mr. President, too often, in our search for trade dollars, we neglect to ask ourselves: With whom are we doing business?

Well, let's ask.

We are dealing with a communist regime in China that has illegitimately held power for 50 years. The same regime, in fact, that killed so many U.S. soldiers in the Korean war. The same regime that has killed tens of millions of its own people since 1949. And the same regime that has consistently identified the United States as the number one obstacle to its strategic agenda.

Supporters of the engagement theory dismiss all of this. They say that normal trade with China is in the U.S. interest and, in any event, will change China's behavior for the better. Reality has yet to catch up with the theory. Red China's behavior continues to be unacceptable and it is difficult to see which U.S. interests are being served by trade-as-usual with this regime.

This year, as in the past, there is voluminous evidence to contradict the claims of the engagement theorists. Whether it be national security issues or human rights, the picture in China is even bleaker than it was a year ago, the exact opposite of what the engagement theorists have predicted.

For starters, we have the Cox Committee's revelations of China's massive pilfering of our nuclear secrets. At a minimum, the Cox report has laid waste to the notion of China as a strategic partner. And the orchestration of anti-American riots by the Chinese government in May has reminded us that the true colors of the communist regime remain unchanged.

Meanwhile, China continues its reckless foreign policies that engagement was supposed to help moderate. In March, ace reporter Bill Gertz revealed that despite its promises to the Clinton administration, China continues to proliferate weapons of mass destruction to fellow rogue regimes around the world.

In February, the Pentagon reported that China is engaged in a massive buildup of missiles aimed at the democratic country of Taiwan.

Similar to national security issues, human rights have also regressed after another year of normal trade with China. The State Department itself was forced to admit this in April in its annual Country Reports on Human Rights Practices. Even on the economic front, where one might expect some benefits to accrue to America from trade with China, the yield is minimal. In 1998, American exports to Communist China were just $14 billion, less than one-fifth of one percent of GNP and fifty percent less than we export to democratic Taiwan.

The picture in Vietnam is similar. That country is still run by the same

communist autocrats as when the U.S. trade relationship resumed in 1994. These, of course, were the same revolutionaries who killed 58,000 Americans in the Vietnam war. Meanwhile, the Vietnamese people today still don't enjoy any real freedoms of speech, assembly, religion or political activity. The Vietnamese government continues to put up roadblocks to emigration for Montagnards and other citizens who wish to escape the misery and tyranny of Communist Vietnam. The economy is still a socialist mess, riddled with bureaucracy and corruption.

And yet again, Mr. President, we cannot stand here today and honestly claim that the Vietnamese government has provided a full accounting of our missing soldiers from the Vietnam war.

The bottom line, Mr. President, is that granting normal trade relations to China and Vietnam has purchased precious little for the United States and we ought to revoke the status for both countries.

But while I support Senator SMITH from a policy point of view, I cannot agree with the method that is being used here today. I am concerned that utilizing a motion to discharge these resolutions infringes on the prerogatives of the committee of jurisdiction, in this case the Finance Committee. Thus, I cannot support these motions.

However, given the gravity of the underlying policy issues, I would strongly encourage the Committee on Finance to report out Senate Joint Resolutions 27 and 28 so that the Senate can debate these important measures.

Mr. SMITH of New Hampshire. Mr. President, I thank Senator HELMS for his support of both the motion to discharge on the Vietnam issue, as well as the China issue.

Mr. President, I yield myself 15 minutes. In response to my colleague from Delaware regarding what has happened in the past on the differences between the House and the Senate on such resolutions, I state for the record that the Trade Act of 1974, which is the item in question, on procedures in the Senate regarding discharges, says:

> If the Senate passes a resolution before receiving from the House of Representatives a joint resolution that contains the identical matter, the joint resolution shall be held at the desk pending receipt of the joint resolution from the House.

So there is absolutely no problem whatsoever in having the Senate deal with this. In the past, the Senate has deferred action on the Jackson-Vanik waivers, according to Senator ROTH, and the House has acted first. But we don't have to wait for the House to pass anything to act on it. It is clearly within the act of 1974. And so, with all due respect, I am not trying to assume any powers that aren't in the act itself.

I also want to respond to the point that Chairman ROTH made in which he said: Until the House acts, there is no need to defer action on the critical matters currently before the Senate. Indeed, House action may moot the need to take up these resolutions at all.

Let me also point out that should the discharge motion prevail, there is no attempt by me to bring this up immediately and get into the Senate's time. If the majority leader and minority leader determine they want to take this up at another time other than today or tomorrow or even this week, that is perfectly all right with me. I am not in any way trying to interrupt the Senate schedule. There is simply an hour equally divided on these motions. So it will take 2 hours of the Senate's time and that is it, as far as I am concerned today. Unless the leaders decide they want to take it up now, that would be OK.

Also, regarding critical matters before the Senate, China has been in the news a lot lately, to say the least, and if the situation in China in terms of the human rights violations, the spy scandal, and all the other things that have gone on—if that is not a critical matter to bring before the Senate, I guess I am not sure what critical is. I believe it is critical, and I think it should be discussed.

In spite of that, should the leaders determine this should not be discussed today, tomorrow, or next week, I am amenable to whatever schedule the majority leader would like to work out to bring this matter to the floor for the 20 hours of debate, which would follow if the discharge resolution prevails.

For the information of my colleagues, the discharge motion I have made as a sponsor of S.J. Res. 28 is a privileged matter and in accordance with the Trade Act of 1974. I am very pleased to have the distinguished chairman of the Foreign Relations Committee, Senator HELMS, as a cosponsor of this resolution.

The discharge motion now before the Senate is in order under the 1974 Trade Act simply because more than 30 days have expired since I introduced it on June 7, 1999. And to date, the resolution has not been reported by the Finance Committee. I am sure it is not being reported because, respectfully, the chairman disagrees with me on this. He has every right to not report it, and I respect that. But I also have the right to discharge it.

What is S.J. Res. 128 in layman's terms, and why do I want my colleagues on both sides to allow this bill to be discharged and placed on the Senate calendar? It is a fair question and I want to answer directly.

Under section 402 of the Trade Act of 1974, Communist countries—in this case the Socialist Republic of Vietnam—are not eligible to participate, either directly or indirectly, in U.S. Government programs that extend credit or investment guarantees if the country denies its citizens the right or opportunity to emigrate, if it denies its citizens the right to emigrate, if it imposes more than a nominal tax on emigration and visa papers, and more than a nominal tax, levies a fine, fee, or other charge on any citizen as a consequence of that citizen's desire to emigrate or leave their country. In other words, if a citizen is taxed to leave, or denied the right to leave, then this is what the Trade Act is all about.

Simply put—and this would not surprise many colleagues, I hope—Vietnam severely restricts the rights of its citizens to have the opportunity to emigrate. It has done so since the fall of Saigon, and it continues to do so. Corruption and bribery by Vietnamese officials is rampant with respect to those desperately trying to get out through the application process. Many of these people bring their life savings, some of them borrowing money to get out, and then after the money is confiscated they are still denied.

That is why Vietnam has historically not been eligible to take advantage of American taxpayer-funded programs which subsidize business deals between American companies and the Communist Government agencies in Hanoi; that is, until last year. It is very important.

When President Clinton decided to use the section of this same Trade Act of 1974 which allows him to grant a waiver of Jackson-Vanik, the freedom of immigration requirement, if he determines that such a waiver will ''substantially promote the objections of this section,'' which, as I said, is to ensure that countries do not impose more than a nominal tax fee or fee to immigrate and they don't hinder the human rights—if the President determines that there are no human rights violations, or no fees beyond nominal fees to get out processing, then we grant this waiver.

But the question is: Is that true? I don't think it is.

I would like to have the opportunity—which is all I am asking for in this discharge motion—to prove that on the floor of the Senate. I know there are 20 hours equally divided. I don't need 10 hours, but I would like to have a little time to prove it. I hope my colleagues will respect me on that.

The President cannot use the waiver unless he has received assurances that the immigration practices of that country will henceforth lead substantially to the achievement of the objectives I just outlined before, such as stopping bribery and corruption by Communist officials. But the President's use of this waiver authority with regard to Vietnam has been in effect now for a little over a year.

My colleagues should understand that we now have the opportunity to go back and look over the past several months and make an informed judgment about whether the President's waiver of the freedom of immigration requirement during this period has actually resulted in ''substantial promotion'' in Vietnam's human rights records on immigration matters.

If you believe it has, then you should not be afraid to come to the floor and debate me on it whenever the leader

decides to bring it here. You will have the opportunity to vote against a disapproval resolution I have introduced with Senator HELMS to nullify the President's waiver. But why would you? Why would you be afraid to stand up and defend it? If you think that everything is fine and that all of these policies have not been violated, then come to the Senate floor and debate me, and we will see who wins on that point.

If you think President Clinton should not abuse this waiver based on Vietnam's performance, if you think President Clinton should have instead insisted that Vietnam actually comply with the freedom of immigration standards, then you would vote for this discharge. You would vote for S.J. Res. 28, and ultimately you would vote against granting the waiver.

However—this is important—in order to have the debate on the resolution, in order to carry out our constitutional duty under article I, section 8, to regulate trade matters with foreign nations, we need to discharge the bill and bring it to the floor.

I want to point out, because sometimes we forget we took an oath to the Constitution of the United States, it says in article I, section 8, that ''Congress shall have Power to . . . regulate Commerce with Foreign Nations . . .'' It is pretty clear.

If there is some difference of opinion as to a particular law regarding commerce with foreign nations, then we ought to have the opportunity to debate it on the floor. That is all I am asking in this resolution. It is that simple. As I said in my ''Dear Colleague,'' whether you support or whether you oppose the actual underlying resolution, you should at least be willing to support having a debate on the measure.

That is all I am asking: Could we have a debate on it, instead of leaving the bill bottled up in the Finance Committee where it automatically becomes effective. Come down, make your arguments, and allow me to make mine. That is what the American people expect us to do. Then we will have a vote after a few hours of debate.

I have studied it. People say there are so many other important things. I am not too sure about that. In the case of Vietnam, we still have MIA matters unresolved. We have foreign businesses that are going to make huge profits if we allow all of these things to go on. We have Vietnamese citizens in this country who escaped and who have had a lot of their earnings confiscated. They sent them over there to try to get their families out. What happened? The Vietnamese Government confiscated the money, and then they did not let the family members out.

I have been going over this a lot over the past several months. I have heard from countless Vietnamese Americans all across this country in all 50 of our States. They have family members and friends in Vietnam, many of whom fought alongside the United States during the Vietnam war. I want to tell you their stories. I want to share the stories of these people who have tried so hard to get their loved ones out after they themselves have been able to escape. But I can't do it in half an hour. I can't do it in 30 minutes. I need the time to do it so we can make an intelligent decision on this waiver that the President has granted.

Every Member of the Senate needs to hear these accounts of persecution and corruption that many Vietnamese continue to experience at the hands of Communist Government officials throughout that nation. Some of them have been forced to pay bribes into the thousands of dollars, and even after they paid the bribes, they have been denied the right to emigrate. I want to tell you those stories.

I have also heard from our staff who are assisting refugees in Southeast Asia who are trying to help these Vietnamese. I want to share with you all of what they have been telling me. But I am not going to be able to get into any serious level of detail on these matters if 51 of my colleagues prevent me from debating this on the Senate floor.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. SMITH of New Hampshire. I thank the Chair.

Let me say up front that I am a Vietnam veteran who feels very strongly about this issue. Some of my colleagues neglect to mention that when they are talking about Vietnam veterans. But I am one in the Senate. However, there are others, such as the junior Senator from Massachusetts, who is here today, and the senior Senator from Arizona, who disagree with me. That is fine. I asked them, and the four other Vietnam vets in the Senate—indeed, every Member in the Senate—not to duck the debate, to come down and debate me, to have a good debate, and then let the Senate decide based on what they hear. But let's not bottle this up in the Senate Finance Committee. Vote to let this debate take place. Come down and participate. I look forward to debating you. It is going to take a little bit of the Senate's time. It is worth it. It is the taxpayers' money that is being used. People's lives are being affected. Good American citizens, who have family members in Vietnam, have a right to have this heard on the Senate floor.

I am not asking people to vote with me on the underlying resolution. I am just asking people to give me a chance to debate it and make a decision. It might take an afternoon. It might take an evening. I am certainly not going to use 10 hours, but I am prepared to do this in detail at whatever time the majority leader says so. I think we owe the American people that. I think it is wrong to prevent this debate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Senator from Montana.

Mr. President, I rise to oppose the effort of the Senator from New Hampshire whose efforts on this are long and untiring. I respect his commitment to the opposing point of view, but I disagree with him, as I know a number of my colleagues do.

I agree with the procedural arguments that the distinguished chairman of the Finance Committee has made. On the merits of the issue, I strongly support the President's decision to renew the waiver of the Jackson-Vanik amendment for Vietnam. There is no question that overturning that waiver would have serious consequences—negative consequences—for our bilateral relations with Vietnam and for our larger interests in the region.

The United States has very important interests, as we know. One is for obtaining the fullest possible accounting of American servicemen missing from the war. That still remains the first priority of our relationship. But in addition to that, we have interests in promoting freedom of immigration, promoting human rights and freedoms, and encouraging Vietnam to maintain its course of economic reform and to open its markets to American and to other companies.

We also have important political and strategic interests in promoting the stability of the often volatile region of Southeast Asia, as well as in balancing some of the interests of China in the region, and clearly our relationship with Vietnam is important in that effort. These interests, in my judgment, dictate that we should maintain a very active presence and a very effective working relationship with all of the countries in the region, including Vietnam.

The real question to be asked is, How do you promote the most effective relationship in the region, and with Vietnam? It is, in my judgment, not by denying Vietnam trade and other benefits of interaction with the United States, nor do we do it by engaging them in an incremental process of building an effective and mutually beneficial policy of engagement.

Some of us have been engaged in this issue for a long time in the Senate. I have been involved in it for the 15 years I have been here.

As the former chairman of the POW/MIA committee that set up the policy whereby we began to get some answers to the questions regarding our missing servicepeople, let me just say that there is one clear fact that is irrefutable. For 20 years we denied a relationship. For 20 years we didn't engage. For 20 years we refused to build the kind of cooperative effort in which we are currently engaged. For those 20 years after the war, we didn't get any

answers at all regarding our missing. The fact is that it was under President Reagan and President Bush that we began a process of engagement. President Bush and General Scowcroft moved us carefully down that road, and President Clinton has continued that policy of eliciting from the Vietnamese the kind of cooperation that has provided the answers to many families in this country about their loved ones who are missing in Vietnam.

I have recounted that progress many times in this Chamber. I don't intend to go through it again now, in the interest of time. Let me just emphasis one very important point.

Last year, those who opposed the waiver of the Jackson-Vanik amendment suggested as one of the arguments for opposing it that POW/MIA accounting was going to stop or it would decrease. In fact, the opposite is true. Their predictions of dire impact last year have proven wrong, just as the predictions that, by being more hard-line and not involving ourselves with them, we would get answers have proven wrong.

The Vietnamese have continued to conduct bilateral and unilateral investigations and document searches and to cooperate in the trilateral investigations. Leads that might help resolve outstanding discrepancy cases continue to be investigated by the Vietnamese and the American teams. In fact, the waiver of the Jackson-Vanik amendment last year served as an incentive for continued progress on immigration. As a result, the processing of our applicants under the orderly departure program and the ROVR program have continued to the point that we are extraordinarily satisfied.

Although progress in the area of human rights is not everything we want it to be, even liberalization has continued over the last year, as evidenced by increased participation in religious activities, Vietnamese access to the Internet, 60 strikes by workers, including strikes against state-owned enterprises, as well as the release of 24 prisoners of conscience.

If we overturn the Jackson-Vanik waiver, in my judgment and in the judgment of Senator MCCAIN, Senator BOB KERREY, Senator CHUCK ROBB, and Senator HAGEL, and others who have served, we run the risk of setting back progress on these issues as well as negating the current extraordinary progress on the bilateral trade agreement, which I believe is extraordinarily close to being signed.

Our step-by-step approach to normalizing relations is working, and it is in keeping with the many interests of our Government that I have expressed. I believe we should stay the course and therefore oppose the efforts of the Senator from New Hampshire.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I rise to urge my colleagues to vote against the motion to discharge the Committee on Finance from further consideration of the resolution disapproving the extension of the Jackson-Vanik waiver for Vietnam.

The chairman of the Committee on Finance, Senator ROTH, has explained why this is a premature and unnecessary motion because the underlying resolution is privileged, and if the House passes either resolution, then the full Senate would be required to take up the resolution. It is expected that the full House will vote on the measure soon. So let's keep our attention on the very important and timely legislation currently being considered by the Senate.

But I also want to stress that even if this were the right time to consider the Jackson-Vanik waiver, the Senate should not adopt a resolution of disapproval. Although it is often forgotten in the debate over normal trade relations, the Jackson-Vanik waiver's chief objective is promoting freedom of emigration.

The President extended Vietnam's Jackson-Vanik waiver because he determined that doing so would substantially promote greater freedom of emigration in the future in Vietnam. I support this determination because of Vietnam's record of progress on emigration and on Vietnam's continued and intensified cooperation on U.S. refugee programs.

According to testimony by the U.S. Ambassador to Vietnam, Pete Peterson, Vietnam's emigration policy has opened considerably in the last decade and a half. As a consequence, over 500,000 Vietnamese have emigrated as refugees or immigrants to the United States under the Orderly Departure Program, and only a small number of refugee applications remain.

So on the merits, the waiver is justified. But I also believe that since it was first granted in March 1998, the Jackson-Vanik waiver has been an essential component of our policy of engagement and has directly furthered progress with Vietnam on furthering U.S. policy goals. Goals which include, first and foremost, accounting for the missing from the Vietnam war—our MIAs, promoting regional stability, improving respect for human rights, and opening markets for U.S. business.

I support the President's decision because I continue to believe, and the evidence supports, that increased access to Vietnam leads to increase progress on the accounting issue.

Resolvin the fate of our MIAs has been, and will remain, the highest priority for our government. This nation owes that to the men and the families of the men that made the ultimate sacrifice for their country and for freedom.

In pursuit of that goal, I have traveled to Vietnam three times and I held over 40 hours of hearings on the issue in 1986 as chairman of the Veterans' Committee. The comparison between the situation in 1986 and today is dramatic.

In 1986, I was appalled to learn that we had no first hand information about the fate of POW/MIAs because we had no access to the Vietnamese government or to its military archives or prisons. We could not travel to crash sites. We had no opportunity to interview Vietnamese individuals or officials.

In 1993, opponents of ending our isolationist policy argued that lifting the trade embargo would mean an end to Vietnamese cooperation. This is distinctly not the case. American Joint Task Force—Full Accounting (JTF–FA) personnel located in Hanoi have access to Vietnam's government and to its military archives and prisons. They freely travel to crash sites and interview Vietnamese citizens and officials.

During the post-embargo period, the Vietnam Government cooperated on other issues as well, including resolving millions of dollars in diplomatic property and private claims of Americans who lost property at the end of the war.

The Jackson-Vanik waiver has helped the U.S. government influence Vietnam's progress toward an open, market-oriented economy. It has also benefited U.S. companies by making available a number of U.S. Government trade promotion and investment support programs that enhance their ability to compete in this potentially important market. And I hope that soon our trade negotiators will be able to complete a sound, commercially viable trade agreement with Vietnam that will further expand market opportunities for American companies.

Before I close, let me urge my colleagues who may be unsure about their vote to consult with the U.S. Ambassador to Vietnam, Pete Peterson. Ambassador Peterson, a Vietnam veteran who himself was a prisoner of war, and who also served in the House of Representatives, has been a tireless advocate of U.S. interests in Vietnam. With his background and experience, his counsel should be trusted.

I urge my colleagues to vote against the motion to discharge.

Mr. HAGEL. Mr. President, I associate myself with the remarks of my friend and colleague, the distinguished Senator from Massachusetts. I oppose this motion to discharge S.J. Res. 28 from the Finance Committee. I oppose this for both procedural and substantive reasons.

Under the Constitution, the House of Representatives must initiate all tax, trade, and revenue measures. The Senate has always deferred to the House to take first action on Jackson-Vanik waivers because they are tax-and-trade measures.

On July 1, the House Ways and Means Committee voted out the House version of this resolution with a negative recommendation. The House will soon take up that resolution. I expect the full House to repeat its vote of last year and defeat that resolution.

Last year, the House defeated 260 to 163 a resolution to disapprove the

President's Jackson-Vanik waiver for Vietnam. If the House should pass either the China or Vietnam resolution, the Senate would then take up that resolution. The motions to discharge the Finance Committee of these two resolutions are inappropriate and premature.

The comments made by the distinguished Senator from Massachusetts, in my opinion, capture the essence of this issue. Vietnam is still an authoritarian government. Much progress yet needs to be made. But it is the opinion of many of us that the best way to encourage that progress and to lead that progress is to engage. That means open not just dialog, but opportunities. History has been rather clear that commerce is the one bridge, the one vehicle that has done the most over the hundreds and thousands of years of human history to accomplish these issues we still must deal with—human rights issues, immigration issues and, certainly, as the Senator from Massachusetts opened his speech, the MIA issue.

There is not a Senator in this body, certainly none of us who served in Vietnam, who does not take that as a serious responsibility. I think this approach is a mistaken approach but well-intended. I salute my friend and colleague from New Hampshire for his efforts, but I believe it is taking us down the wrong path.

I am proud to stand with Ambassador Pete Peterson and the other five Vietnam veterans in the Senate to support the Jackson-Vanik waiver for Vietnam. The other Senate Vietnam veterans are: Senators MCCAIN, JOHN KERRY, BOB KERREY, ROBB, and CLELAND.

Is Vietnam a Jeffersonian Democracy and a full market economy? Of course not. But Vietnam has made progress. We should nurture that progress, not turn back the clock.

It is ironic that we would undermine our modest trade relationship with Vietnam at this time. Ambassador Barshefsky is in the final stages of negotiating a trade agreement that would substantially open Vietnam's market. We should support her efforts to open Vietnam's markets and promote economic reform.

The Jackson-Vanik waiver for Vietnam primarily benefits Americans, not Vietnamese. It allows the U.S. Export-Import Bank and the Overseas Private Investment Corporation to support American exports and jobs.

This is not about normal trading relations or expanding access to the U.S. market. We not yet provide NTR status to Vietnam, although Vietnam provides NTR status to the United States.

We can only have normal trading relations with Vietnam if we conclude an agreement that would increase U.S. access to the Vietnamese market. That would be the time to debate whether it serves our Nation's interest to have normal trade relations with Vietnam.

The Jackson-Vanik amendment was all about trying to apply leverage on the Soviet Union in the 1970s to increase Jewish emigration. The Soviet Union no longer exists. But it was written into permanent law to affect all ''non-market economies,'' including Vietnam.

Is Vietnam perfect? No, far from it. But look how far Vietnam has come and U.S.-Vietnam relations have come in five short years:

Before 1994, the U.S. and Vietnam had no political or economic relations;

In January 1994, JOHN MCCAIN and JOHN KERRY offered an amendment calling for and end to the U.S. economic embargo on Vietnam;

In February 1994, President Clinton followed the lead of the Senate and ended the U.S. trade embargo;

In July 1995, the President granted diplomatic recognition to Vietnam;

In April 1997, the Senate confirmed our first Ambassador to Vietnam, Pete Peterson; and

In March 1998, the President waived the Jackson-Vanik law and permitted our trade promotion agencies to operate in Vietnam. This has always been the first step to full compliance with the law, the negotiation of a trade agreement, and the establishment of normal trading relations.

The Senator from New Hampshire honestly believes that turning back the clock of the last five years is a better policy than engagement. I respect the Senator's views, but believe that his position is simply wrong.

I will not engage in the debate on whether emigration from Vietnam is totally free. Vietnam itself is not totally free. Far from it. But there has been tremendous improvement.

In fiscal year 1998, 9,742 Vietnamese were granted immigrant visas to the United States under the ''Orderly Departure Program.'' The State Department expects that number to rise to 25,000 this year and 30,000 next year.

In the last 15 years, 500,000 Vietnamese have immigrated to the United States, and very few refugees remain to be processed. As a result of the first Jackson-Vanik waiver granted last year, Vietnam's cooperation on immigration matters has intensified.

The State Department expects that processing will be completed for all special caseloads, including the Orderly Departure Program [ODP] and the Resettlement Opportunity for Vietnamese Returnees [ROVR] programs.

Again, we must consider how to encourage Vietnam to do even more to open up its society, its economy and its political system. Do we encourage openness through isolation? No, we spread American values through economic, cultural and political contact between our two peoples.

I urge defeat of this motion, and I yield back the remainder of my time. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I say to my colleague from Nebraska, with respect, if there is information and evidence which indicates that Vietnam or China—but, in this case, Vietnam—was not following the spirit and intent of Jackson-Vanik, why does my colleague oppose the opportunity to have me present that information to the Senate? We may respectfully disagree after looking at all the information, but it seems to me a reasonable request on my part to discharge this. To not discharge it, I say to my colleagues, bottles it up, does not give us the opportunity to debate it, does not give me the opportunity to present to my colleagues information I have that will show dramatically that that is not the case.

I only have, at the most, 15 minutes, so let me do it as quickly as I can with the facts at my disposal. I regret very much I am not going to get the opportunity, unless my colleagues support me on this.

This is a memorandum from the Joint Voluntary Agency that runs the Orderly Departure Program in Bangkok, July 14, 1999:

REQUEST FOR REFUGEE STATISTICS AND ASSESSMENT OF ODP CASES

Corruption and Bribery by the Vietnamese Government: Although ODP has no formal statistics . . . over the years we have received and continue to receive communications from ODP applicants that point to consistent and continuing cases of bribery, extortion and other kinds of malpractice. . . .

Re-education Camp Detainee Caseload: At the present rate of granting interview permission, we do not expect Re-education Camp Detainee Caseload to be completed by the end of [the] Fiscal Year. . . .

Contact With the Montagnards: Prior to March, 1998, people from this ethnic group experienced tremendous difficulties communicating with ODP . . . Since March, 1998, contact with the Montagnards has continued to be limited. The Socialist Republic of Vietnam has made it clear they do not want ODP to contact applicants directly. . . .

I do not have the time to get into this. I want to take the time. Please give me that opportunity. This is the Joint Voluntary Agency that runs the Orderly Departure Program in Bangkok. They do not have an ax to grind with anybody. They are trying to do their job. My colleagues are not going to give me the time, if you defeat my motion to discharge, to bring this information to the forefront.

Let's look at another one. This is a memorandum from the Joint Voluntary Agency, Orderly Departure Program, American Embassy, Bangkok, July 14, 1999:

REQUEST FOR REFUGEE STATISTICS AND ASSESSMENT OF ODP CASES

The Socialist Republic of Vietnam has frequently determined applicants did not meet ODP criteria, despite our confirmation that they did; many applicants are still awaiting interview authorization . . . As of July 9th, there are 3,432 ODP refugee applicants and 747 ROVR applicants awaiting Vietnamese Government authorization for interview . . . ODP has continually received requests from applicants for assistance in dealing with local officials; many applicants originally applied to ODP as long ago as 1988 but have yet to be given authorization by the Vietnamese Government to attend an interview.

Impact of Jackson-Vanik Waiver: It would not appear that Jackson-Vanik had a telling impact on ODP activities . . . Staff [of the Joint Voluntary Agency] are of the opinion that there has been little, if any, indication of improvement in the Vietnamese Government's efforts to deal with remaining ODP cases.

If given the opportunity, I will present to you that evidence. I do not have time in another 5 or 6 minutes.

This is from the State Department, Dewey Pendergrass, most recent Orderly Departure director and current director of Consular Services in Saigon, November 24, 1998. Listen to what the State Department is saying. Because they support MFN with China, because they are not paying any attention to ODP, they do not care about these people who are trying to desperately get their loved ones out and paying exorbitant fines and fees and still cannot get them out. Listen to what he says and then tell me you do not want to give me opportunity to debate this:

Generally speaking, I would discourage any dialogue with the U.S. Catholic Conference or the International Catholic Migration Commission, or any of the other refugee advocacy organizations, on Vietnamese refugee processing . . . You are dealing here with true believers.

My God, true believers. They want to get these people out. They are trying to get them out of Vietnam. They are trying to stop the persecution so they are labeled ''true believers.'' What is wrong with that? This is a State Department official. This is a memo we are not supposed to have:

I would not try to explain why we are doing what we are doing. From long and unhappy experience, I can assure you that you do not want to get mired in a ''dialogue'' with these guys . . .

Of course not; if you get mired in a dialog, you will find out the truth. God forbid we find out the truth. Let's sweep it all under the rug. Let's make sure we get most-favored-nation treatment for this communist dictator group that tramples on the human rights of its own people, refuses to give us answers still on our missing service personnel, and we are going to sweep this under the rug.

Dewey Pendergrass from the State Department says this. Let's finish it:

As I said, these are true believers, and they are fighting at this very moment to expand refugee processing as we near the completion of the residual caseload . . . I'm sounding paranoid here, right? Believe me, I know whereof I speak . . . I really am not exaggerating. Again, I recommend that you do not meet with them, not explain, not apologize, regardless of any professional courtesy you may think is due. Just send the polite acknowledgment.

The State Department, which is there to help these people, is making those kinds of comments. It is an absolute insult, and the man should be fired on the spot.

To: Joint Voluntary Agency.

From: Orderly Departure Program, Bangkok.

Subject: JVA Failure to Destroy Denied Ameriasian Files Over Two Years Old as Instructed by Department of State.

So now we are going to destroy files to make darn sure that if they have any opportunity to get out, they will not be able to get out. Ameriasians are children of American servicemen and Vietnamese women:

The Department has asked me to determine the reason for JVA's failure to destroy the old files on Ameriasian cases denied over two years ago as instructed. I note that JVA has been instructed in writing to perform this task several times—

To destroy these files.

I am hoping that you will be able to provide me with a satisfactory reason why these specific directions have not been carried out.

He is chewing somebody out because they did not destroy these files on people who are desperately trying to make contact with their fathers, their loved ones.

The goal of these reports is simple: to tell the truth about human rights conditions . . . These reports form the heart of United States human rights policy, for they provide the official human rights information based upon which policy judgments are made. They are designed to provide all three branches of the Federal Government with an authoritative factual basis for making decisions . . .

Testimony before Congress.

The 1998 country Reports on Human Rights Practices: Vietnam. Released February 26, 1999, by the U.S. State Department:

The Socialist Republic of Vietnam is a one-party state rule and controlled by the Vietnamese Communist Party. The Government's human rights record remains poor.

Poor, yet it is supposed to be good—it is not excellent —to have a waiver.

There were credible reports that security officials beat detainees. Prison conditions remain harsh. The Government arbitrarily arrested and detained citizens. . . .

I say to my colleagues, give me the opportunity to get into the details on this before we vote. All I am asking is to discharge this so I can get on the floor and get into the details of these kinds of abuses.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes, 25 seconds.

Mr. SMITH of New Hampshire. In the same report:

Citizens' access to exit permits frequently was constrained by factors outside the law such as bribery and corruption. Refugee and immigrant visa applicants to the Orderly Departure Program sometimes encountered local officials who arbitrarily delayed or denied exit permits. . .There are some concerns that some members of the minority ethnic groups, particularly nonethnic Vietnamese, such as the Montagnards, may not have ready access to these programs. The Government denied exit permits for emigration to certain Montagnard applicants.

And on and on:

Vietnam's Politburo has issued its first-ever directive on religion, in an apparent bid to tighten Communist Party control over the clergy and over the places of worship. Although no religions are mentioned by name, the directive, published in the official Nhan Dan daily, targets the unofficial Buddhist Church and the Catholic Church.

Unofficial. Interesting.

Banned practices include organizing meetings, printing and circulating bibles, constructing and renovating places of worship. . .The Communist Party strictly controls all religious matters in Vietnam and many members of the Buddhist Church and the Catholic Church are presently in detention or under house arrest.

French Press Agency of Hanoi, July 8, 1998.

I say to my colleagues, we need to expose this. Why would you deny me the opportunity to bring this matter to the floor? I urge you, please give me the opportunity to get into these matters in the time allocated under the rules. Yes, it is 20 hours equally divided, 10 hours each. Will I use 10 hours? Absolutely not; a couple hours probably would do it.

If my colleagues are not familiar with these issues, it will open their eyes. I have very specific details about what is happening to these people. If Senators oppose me and they do not believe it, then come down here and present the alternative information for my colleagues and let our colleagues make the choice. But give me the opportunity by supporting me on this discharge. Do not let it stay bottled up.

That is the rule, and I respect the rule. The rule is, it stays there. If the Finance Committee does not discharge it, it goes away. I know that. That is why I am trying to discharge it. It goes away in the sense that the Jackson-Vanik waiver is granted because the burden is on us to prove otherwise. I want that opportunity, but I cannot get it if you leave it buried in the Finance Committee and do not discharge it. That is not a full debate.

Help me look at the issue. The bill needs to be put on the Senate calendar so we can have debate. I repeat, if my colleagues missed it, I am not trying to take the Senate's time. If there is something else the leaders want out here, that is fine. I will work out something with the leaders where we can do 20 hours equally divided at any time the leader thinks it is appropriate.

Also, when we delegate waiver powers to the President—let me go back to the Constitution of the United States, article I, section 8—we lose our constitutional prerogative. We have the right to debate this. Do not give up our constitutional prerogative to debate it. Do not be afraid to come out on the floor and challenge me on what I have to offer. I welcome it. I look forward to it.

I hope no one will come down here and say: Let's have the House kill this first so we do not have to be accountable to the voters. That is basically the pitch being made by my friend, the chairman of the Finance Committee: Let's have the House kill the bill first, and then there will not be any need for us to debate it at all.

Vote for the discharge motion. Let's get on with the debate, under the time agreement we will be bound by, and then the Senate can make an informed

judgment and go on record in favor or in opposition as to whether President Clinton's waiver of freedom of emigration requirements, in the context of our trading with Vietnam, is appropriate or not. That is all I am asking.

I pray this body will not put the concerns about business profits or most favored nation over principle. Support the discharge motion. Give me the opportunity to make these cases.

I ask unanimous consent to have printed in the RECORD a letter from John Sommer of The American Legion written to Congressman Philip Crane, the chairman of the Subcommittee on Trade, Committee on Ways and Means, in support of discharge.

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

THE AMERICAN LEGION,
Washington, DC, June 22, 1999.

Hon. PHILLIP M. CRANE,
Chairman, Subcommittee on Trade, Committee on Ways and Means, House of Representatives, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: It is unacceptable to The American Legion for the United States to put business concerns over the fate of Vietnamese citizens who fought alongside us during the Vietnam war, and who have sacrificed so much for so long and are still unable to freely emigrate to this country.

The American Legion recognizes that the U.S. business community is concerned with maintaining and strengthening economic ties in Vietnam, but we cannot let these commercial interests take precedence over the destiny of our former allies who assisted us and are still loyal to our cause. The retention of the Jackson-Vanik waiver can be a powerful sign to show that we honor our commitments to human rights.

Obstacles continue to exist on the road to free emigration for Vietnamese who want to come to the United States and other countries in the free world. Ethnic groups that were allied with the Americans during the war, namely the Montagnards, and former employees of the U.S. government are still discriminated against by the Vietnamese government when applying and processing through the Resettlement Opportunities for Vietnam Returnees program (ROVR), the Orderly Departure Program (ODP), and others.

What better way to show that we truly are committed to allowing those Vietnamese who have remained faithful to the United States to emigrate than by denying U.S. exporters to Vietnam access to U.S. Government credits. This would be a powerful signal that we demand increased progress and cooperation on the part of the Vietnamese government.

The American Legion strongly urges you and sub-committee members to not grant the Jackson-Vanik waiver for this year.

JOHN F. SOMMER JR.,
Executive Director.

Mr. SMITH of New Hampshire. Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 5 minutes to the distinguished Senator from Arizona.

Mr. MCCAIN. I thank the Senator from Montana for yielding me time.

Mr. President, just a few facts. We process 96 percent of the ROVR applications. Last year we processed only 78 percent. The Jackson-Vanik waiver is working. Almost 16,000 applicants have been granted admission to the United States. Today there are only 79 outstanding ROVR cases. Last year there were 1,353 outstanding cases.

Mr. President, I oppose this motion to discharge from the Senate Finance Committee. It disapproves the extension of the Jackson-Vanik waiver for Vietnam. I do so because I believe the House should properly act first on a measure of this nature, because the committee should be afforded the opportunity to render judgment on Senator SMITH's resolution before it is taken up by the full Senate, and because Vietnam's Jackson-Vanik waiver, like China's normal trade relation status, is too important to fall victim to the political currents buffeting the Senate at this time.

As we all know, procedurally, the Senate has traditionally reserved consideration of Jackson-Vanik waivers and the granting of normal trade relation status until after the House has acted. As my colleagues know, the House Ways and Means Committee has unfavorably reported the House resolutions of disapproval for both Vietnam's Jackson-Vanik waiver and China's normal trade relation status. These measures are scheduled for floor action in the House. The Senate should not rush to judgment on either of these measures until the House has voted on them. Indeed, the Senate has over 40 remaining days under the statutory deadline for action on the waiver.

Substantively, the Jackson-Vanik amendment exists to promote freedom of emigration from non-democratic countries. The law calls for a waiver if it would enhance opportunities to emigrate freely. Opportunities for emigration from Vietnam have clearly increased since the President first waived the Jackson-Vanik amendment in 1998. The waiver has encouraged measurable Vietnamese cooperation in processing applications for emigration under the Orderly Departure Program and the Resettlement Opportunity for Vietnamese Returnees agreement, ROVR.

The Jackson-Vanik waiver has also allowed the Overseas Private Investment Corporation, the Export-Import Bank, and the Department of Agriculture to support American businesses in Vietnam. Withdrawing OPIC, EXIM, and USDA guarantees would hurt U.S. businesses and slow progress on economic normalization. It would reinforce the position of hard-liners in Hanoi who believe Vietnam's opening to the West has proceeded too rapidly.

Let me assure my colleagues that I harbor no illusions about the human rights situation in Vietnam. There is clearly room for improvement. The question is how best to advance both the cause of human rights and U.S. economic and security interests. The answer lies in the continued expansion of U.S. relations with Vietnam.

Although the Jackson-Vanik waiver does not relate to our POW/MIA accounting efforts, Vietnam-related legislation often serves as a referendum on broader U.S.-Vietnam relations, in which accounting for our missing personnel is the United States' first priority. Thirty-three Joint Field Activities conducted by the Department of Defense over the past 6 years, and the consequent repatriation of 266 sets of remains of American military personnel during that period, attest to the ongoing cooperation between Vietnamese and American officials in our efforts to account for our missing servicemen. I am confident that such progress will continue.

It really does not serve much of a purpose for us to have divided opinion on the degree of Vietnam cooperation. We should rely on the opinion of the U.S. military who are there on the ground in Vietnam doing the job. Invariably, they will attest to the cooperation, despite perhaps the hopes of others. They will attest that the fact is the Vietnamese are providing full cooperation as far as resolution of the Vietnamese POW/MIA issues. Again, do not take my word for it; take the word of the American military who are on the ground doing the job.

Just as the naysayers who insisted that Vietnamese cooperation on POW/MIA issues would cease altogether when we normalized relations with Vietnam were proven wrong, so have those who insisted that Vietnam would cease cooperation on emigration issues once we waived Jackson-Vanik been proven wrong by the course of events since the original waiver was issued in March 1998.

The Jackson-Vanik amendment was designed to link U.S. trade to the emigration policies of communist countries, primarily the Soviet Union. The end of the Cold War fundamentally restructured global economic and security arrangements. As the recent expansion of NATO demonstrated, old enemies have become new friends. Moreover, meaningful economic and political reform can only occur in Vietnam if the United States remains engaged there.

Last year, I initiated a Dear Colleague letter to Members of the House of Representatives, signed by every Vietnam veteran in the Senate, except Senator SMITH, who has opposed every step in the gradual process of normalizing—I ask for 1 additional minute.

Mr. BAUCUS. I yield 1 minute to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Dear Colleague letter to Members of the House of Representatives was signed by every Vietnam veteran in the Senate except Senator SMITH, who has opposed every step in the gradual process of normalizing our relations with Vietnam over the years.

There are those in Congress, including Senator SMITH, who remain opposed to the extension of Vietnam's Jackson-Vanik waiver. But they do not include any other U.S. Senator who

served in Vietnam and who, as a consequence, might be understandably skeptical of closer U.S.-Vietnam relations.

That body of opinion reminds us that, whatever one may think of the character of the Vietnamese regime, such considerations should not obscure our clear humanitarian interest in promoting freedom of emigration from Vietnam. The Jackson-Vanik waiver serves that interest. Consequently, I urge my colleagues to oppose Senator SMITH's extraordinary motion to discharge consideration of his resolution from the Finance Committee.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the motion made by the Senator from New Hampshire to discharge S.J. Res. 27, which would disapprove of the President's recommendation of normal trade relations with China, from further consideration by the Committee on Finance.

My opposition to this motion is based both on procedural grounds as well as my opposition to the policy goals advocated by the proponents of this motion.

Aside from these procedural questions raised by this motion —whether the Senate should act in advance of the House and whether the committee should be discharged of this resolution before it has the opportunity to give it full consideration—which have been eloquently addressed by the chairman and ranking member of the Finance Committee, there is also a real factual question raised by this motion which must also be addressed.

The factual question is this: Is it in the U.S. interest to continue to extend normal trade relations to China?

In my view it is.

The United States extends NTR to all but a handful of rouge states: North Korea, Afghanistan, Cuba, Laos, and the Former Republic of Yugoslavia (Serbia and Montenegro). Even Iraq and Iran—two countries which the United States is trying to isolate—currently have NTR. Placing China on a short list or rouge nations to whom we deny NTR would be an irreversible step in the wrong direction and a severe blow to the national interest of the United States.

Let us remember, we do not extend NTR to China as a favor to China, but because maintenance of NTR with China is in our national interest.

It is in our national interest as a matter of simple economics. The United States benefits from, and should continue to foster, free and fair trade with China.

In 1991, United States-China bilateral trade totaled $25 billion. Last year it was close to $85 billion. In 1991 China was our eighth largest trading partner. Today it is our fourth, and still moving up fast.U.S. trade with China supports hundreds of thousands of American jobs. Revoking China's NTR status would be shooting ourselves in the foot.

Indeed, for my state, California, the growth of trade relations with China over the past decade has been just as dramatic. In 1998, exports to China and Hong Kong together were California's fourth largest export destination. In 1998, while California's total exports declined 4.17%, due to the Asian financial crisis, our exports to China (not including Hong Kong) increased 9.28%.

Critics of United States-China trade relations may argue that even though U.S. exports to China have more than doubled in the past decade, Chinese exports to the U.S. have gone up even faster, resulting in a sizable trade deficit. I would reply that this underscores the importance of normalizing and improving our trade with China through continued NTR: U.S. companies must get continued and better access to emerging Chinese markets.

Extension of NTR is in our national interest because the United States will benefit by the further integration of China into the world trading system. The stakes are huge. Extension of NTR is a necessary precursor for Chinese accession to the WTO, which presents us an historic opportunity to integrate China—soon to be the world's largest economy—into the international trading system.

Extension of NTR is in our national interest because having China in the world trading system levels the playing field. The WTO's system of reporting, compliance, and dispute resolution would require China to play by same rules all WTO members follow.

Extension of China's NTR status is in our national interest because history has shown us that, despite the turmoil of the past few months, U.S. trade and engagement with China has encouraged economic, political, and social change in China. These changes have improved the living standards for millions of Chinese and reduced cold-war tensions. Those who are serious about seeing China continue to change will understand and realize that extension of NTR is the best course of action for the U.S. to follow.

There is no question that China's political system remains undemocratic. But we should not fail to acknowledge the progress that has been made over the past two decades, thanks in part to the leverage provided by U.S. trade. To acknowledge this change is not to minimize the real problems that do exist; it is only to recognize that changes are taking place, and that many of these changes are a direct result of greater engagement with the West.

To seek to deny China NTR status is tantamount to seeking to slam shut the Chinese people's door to a free world, and consigning them to isolation and repression. That is certainly not in our national interest, and it is not in the interest of the Chinese people, either.

Mr. President, I urge my colleague to oppose this motion.

Mr. LEAHY. Mr. President, today I am voting in support of Senate Joint Resolution 27 which would disapprove normal trade relations treatment to products produced in the People's Republic of China. I do so not because I do not want to see normal trade relations with China. Rather, it is because I do not believe the Chinese Government deserves this treatment until it ceases its brutal repression of Tibetans and others who support democracy.

But there is a more specific concern I have about the fate of one individual, which has caused me to support this Resolution.

For over 3 years people from around the world and all walks of life have sought the release of and information about Mr. Ngawang Choephel, a Tibetan who studied ethnomusicology at Middlebury College in Vermont on a Fulbright Scholarship. On December 26, 1996, after detaining him incommunicado for months, Chinese authorities sentenced Mr. Choephel to 18 years in prison for espionage. His crime? Making a documentary film about Tibetan music and dance.

Since his arrest, Mr. Choephel's mother, Ms. Sonam Dekyi, has been actively seeking his release, as well as permission from the Chinese Government to travel to Tibet to visit her son. Although Ms. Dekyi has tried repeatedly to obtain a visa from the Chinese Embassy in New Delhi and written to the Chinese Prison Administration's Direct General about her request, Chinese authorities falsely deny knowledge of her request.

United States officials have raised Mr. Choephel with the Chinese Government at the highest levels. I have twice discussed my concerns with Chinese President Jiang Zemin, once in Beijing and again in Washington. I asked him to personally review Mr. Choephel's case. I and other Members of Congress have written many letters to Chinese officials on Mr. Choephel's and his mother's behalf. I have tried to discuss his case with Chinese authorities here in Washington, DC, as has my staff. What has been the response? Deliberate and utter disregard of my inquiries.

Mr. President, until the Chinese Government provides satisfactory answers to my questions about Mr. Choephel's whereabouts, his health, the reasons for his incarceration and the evidence against him, and permits his mother to visit him as she is entitled to, I cannot in good conscience vote for normal trade relations with China.

Mr. BAUCUS. How much time is remaining on each side?

The PRESIDING OFFICER. The Senator has 8 minutes 20 seconds.

Mr. BAUCUS. The other side?

The PRESIDING OFFICER. There is 1 minute 29 seconds remaining for the other side.

Mr. BAUCUS. I deeply appreciate the concerns of the Senator from New Hampshire. I think we all do. This is not an easy issue. But I think it is important to ask ourselves what is the best way, what is the most likely way, we Americans will properly help achieve the objectives we are looking for in Vietnam, and I daresay also with

China, because the China discharge resolution will be up before us at a later time today.

I oppose both of the motions to discharge. I daresay most of my colleagues will also oppose both of those motions. It is my judgment, and I think the judgment of most of us, that there are some differences between the United States and Vietnam and there are some differences between the United States and China. We know there are. But how do we best accomplish our objectives with these two countries?

I believe it is best to continue with the Jackson/Vanik waiver with Vietnam and what is called a ''normal trading relationship'' with China, which, essentially, is really less than average because the United States has trade agreements with many other countries which, in effect, provide for much better than average trading relations.

So we are really talking about the bare minimum standard for trading relationships. If we continue that standard for trade, that is, MFN or NTR, we will be more likely—working through other channels, and government to government or group to group—to accomplish the goals for which we are looking.

The world is changing. It is changing dramatically. Trade and commerce are so key, so vital. The more trade is encouraged among countries—particularly Vietnam and China—clearly, the more help we provide those countries in the form of government and judicial systems and enforcement systems that can be relied upon with predictability worldwide, not only for America but for other countries.

That is really the objective. There are certainly problems with Vietnam and with China. But we should deal with those issues on the levels in which they occur, whether it is China with human rights or nuclear proliferation or missile technology transfer or Taiwan or the accidental bombing of the Chinese Embassy in Belgrade. We should deal with those issues one at a time; that is, not deny minimal trade relationships with a country just because we have other considerations and other problems.

The Senator from New Hampshire says he does not have the time to present his case. The Senator from New Hampshire has lots of time to present his evidence in many different ways before the Senate. If he has a strong case, a compelling case, that would encourage the Senate to take another position, I encourage the Senator to give it. There is morning business. There are lots of opportunities for the Senator to provide the information he says he has.

I am not really sure he has much more than he already provided. I note that other Senators, on both sides of the aisle, Senators who have served in Vietnam—including Senator MCCAIN from Arizona and Senator KERRY from Massachusetts—as the Senate has heard, very strongly oppose this discharge motion. They believe that nontrade issues are more likely to be dealt with successfully along the path that has been taken already in the past.

Countries have interests. Vietnam has an interest in world affairs; China does; the United States does. We have to deal with this in a solid way. The phrase that is often used is ''engagement.'' I think engagement makes sense, but more importantly it should be ''engagement without illusions''; that is, we talk with countries, we negotiate with countries, we have to keep communicating with countries and looking for ways to find solutions. Engaging without illusions—without illusions that everything in that country is going along perfectly well. We have to be very realistic about things.

It is also important to remember at this time in the history of the world that with the United States so big and so powerful, it is beginning to cause some resentment worldwide. That is a new challenge facing America, how to deal with it, how to deal with that angst, how to deal with that concern that maybe we are too big, we are too inclusive, the English language pervades too much, the Internet uses the English language; American culture, McDonald's, and movies are too pervasive in countries; American military might is just too overwhelming, even by European standards; the concern that we might, since we did not lose a single life in Kosovo and won, that militarily we might deal with other areas in the same way.

There are lots of different concerns people have now, watching what America has done in the last several years. So we have to be careful. We have to be prudent. To deny something that is normal and expected, that is, a normal trade relation with China, would be unsettling and would cause many more problems than it is going to solve.

I fully understand the points of the Senator from New Hampshire, but often there are different ways to skin a cat. The cat we are trying to skin is the effective way, not the ineffective way. It is my judgment that the effective way is to continue the dialogue, continue the engagement, and continue the engagement without illusions but continue it nevertheless. I respectfully urge my colleagues to vote against the motion to discharge the petition.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. It is my understanding I have 1½ minutes.

The PRESIDING OFFICER. That is correct.

Mr. SMITH of New Hampshire. Mr. President, I say to my colleague from Montana, I know he understands, but he doesn't understand enough to let me have the opportunity to debate it. Under the rule of Jackson-Vanik, I have the right to have the 20 hours equally divided on the Senate floor. That is the time to do it so that it is not misdirected in morning business somewhere.

In response to Senator MCCAIN, yes, there are six out of seven Vietnam veterans in the Senate who support not debating this, who say the Jackson-Vanik waiver should be granted, but there are 3 million or so in the American Legion, at least represented by a letter from the American Legion, who think otherwise. I am not sure what the point is on that one.

We have to feel very confident the waiver has reduced bribery and corruption. Here is the law. It says to assure continued dedication to fundamental human rights, if these things happen, you should not grant the waiver. No. 1, does Vietnam deny its citizens the right to emigrate? Yes. I can prove it, but nobody wants to hear it. No. 2, does it impose more than a nominal tax on emigration and the other visas? Yes, and I have a stack of names of people, Vietnamese nationals, who have said yes.

The bottom line is, if the Senate won't give me the chance to debate it, then as far as I am concerned my colleagues do not want to hear the facts. I can't give them, as I said before, in 30 minutes.

I urge support of my resolution so that we have the opportunity to debate this on the Senate floor.

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 40 minutes, to be equally divided between the majority leader and the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Montana.

(The remarks of Senator BAUCUS pertaining to the introduction of S. 1395 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

THE CONSERVATION AND REINVESTMENT ACT OF 1999

Mr. LOTT. Mr. President, I am delighted to engage in a colloquy now that will involve a number of other Senators but particularly Senator LANDRIEU of Louisiana. I hesitate to even begin until she is present on the floor, but I presume she will be here momentarily.

In her absence, I will praise her for her work on this particular legislation, S. 25, the Conservation and Reinvestment Act of 1999. Her persistence, her willingness to work with all parties involved—I don't mean political parties; I mean those who are interested in this