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Johnson (CT)
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Johnson, E. B.
Johnson, Sam
Jones (NC)
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Miller, Gary
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Ros-Lehtinen
Ross
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Roybal-Allard
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Ruppersberger
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Ryan (OH)
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Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
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Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

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Flake
Paul

NOT VOTING—17

Cardin
Carson (IN)
Collins
Conyers
Deutsch
Dingell
Dooley (CA)
Ford
Frank (MA)
Gephardt
Hoeffel
Houghton
Isakson
Kind
Kleczka
Majette
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1900

Mr. FLAKE changed his vote from ''yea'' to ''nay.''

Mr. WAXMAN changed his vote from ''nay'' to ''yea.''

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO REVISE AND EXTEND REMARKS ON H. RES. 713, DEPLORING MISUSE OF THE INTERNATIONAL COURT OF JUSTICE

Mr. OBEY. Mr. Speaker, today the House will vote on a resolution condemning the International Court of Justice for rendering an advisory opinion on the legal consequences of the construction of the Israeli wall and condemning the U.N. General Assembly for requesting such an opinion. This legislation was only introduced last night and strikes me as the type of knee-jerk posturing that does more harm than good.

I oppose the bill for a number of reasons, and I ask unanimous consent that my remarks appear during the discussion of H. Res. 713, which will occur later this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 107

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 107.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on additional motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

□ 1900

VIETNAM HUMAN RIGHTS ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1587) to promote freedom and democracy in Vietnam, as amended.

The Clerk read as follows:

H.R. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Vietnam Human Rights Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—CONDITIONS ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIETNAM
Sec. 101. Bilateral nonhumanitarian assistance.
TITLE II—ASSISTANCE TO SUPPORT HUMAN RIGHTS AND DEMOCRACY IN VIETNAM
Sec. 201. Assistance.
TITLE III—UNITED STATES PUBLIC DIPLOMACY
Sec. 301. Radio Free Asia transmissions to Vietnam.
Sec. 302. United states educational and cultural exchange programs with Vietnam.
TITLE IV—ANNUAL REPORT ON PROGRESS TOWARD FREEDOM AND DEMOCRACY IN VIETNAM
Sec. 401. Annual report.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Socialist Republic of Vietnam is a one-party State, ruled and controlled by the Communist Party of Vietnam (CPV), which continues to deny the right of citizens to change their government. Although in recent years the National Assembly of Vietnam has played an increasingly active role as a forum for highlighting local concerns, corruption, and inefficiency, the National Assembly remains subject to CPV direction. The CPV maintains control over the selection of candidates in national and local elections.

(2) The Government of Vietnam permits no public challenge to the legitimacy of the one-party State. It prohibits independent political, labor, and social organizations, and it continues to detain and imprison persons for the peaceful expression of dissenting religious and political views, including Pham Hong Son, Tran Dung Tien, Father Nguyen Van Ly, Dr. Nguyen Dan Que, Nguyen Vu Binh, Pham Que Duong, and Pastor Nguyen Hong Quang, among others.

(3) The Government of Vietnam continues to commit serious human rights abuses. In January 2004, the Department of State reported to Congress that during the previous year the Government of Vietnam had made ''no progress'' toward releasing political and religious activists, ending official restrictions on religious activity, or respecting the rights of indigenous minorities in the Central and Northern Highlands of Vietnam.

(4)(A) The Government of Vietnam limits freedom of religion and restricts the operation of religious organizations other than those approved by the State. While officially sanctioned religious organizations are able to operate with varying degrees of autonomy, some of those organizations continue to face restrictions on selecting, training, and ordaining sufficient numbers of clergy and in conducting educational and charitable activities. The Government has previously confiscated numerous churches, temples, and other properties belonging to religious organizations, most of which have never been returned.

(B) Unregistered ethnic minority Protestant congregations in the Northwest and Central Highlands of Vietnam suffer severe abuses, which have included forced renunciations of faith, the closure and destruction of churches, the arrest and harassment of pastors, and, in a few cases, there have been credible reports that minority religious leaders have been beaten and killed.

(C) The Unified Buddhist Church of Vietnam (UBCV), one of the largest religious denominations in Vietnam, was declared illegal in 1981. The Government of Vietnam confiscated its temples and persecuted its clergy for refusing to join the state-sponsored Buddhist organizations. For more than 2 decades, the Government has detained and confined senior UBCV clergy, including the Most Venerable Thich Huyen Quang, the Most Venerable Thich Quang Do, the Venerable Thich Tue Sy, and others.

(D) The Catholic Church continues to face significant restrictions on the training and ordination of priests and bishops, resulting in numbers insufficient to support the growing Catholic population in Vietnam. Although recent years have brought a modest easing of government control in some dioceses, officials in other areas strictly limit the conduct of religious education classes and charitable activities. Father Thaddeus Nguyen Van Ly, who was convicted in a closed trial in 2001 after publicly criticizing religious repression by the Government of Vietnam, remains in prison.

(E) The Government of Vietnam continues to suppress the activities of other religious adherents, including Cao Dai, Baha'i, and Hoa Hao who lack official recognition or have chosen not to affiliate with the State-sanctioned groups, including through the use of detention and imprisonment.

(5) The Government of Vietnam significantly restricts the freedoms of speech and the press, particularly with respect to political and religious speech. Government and Party-related organizations control all print and electronic media, including access to the Internet. The Government blocks web sites that it deems politically or culturally inappropriate, and it jams some foreign radio stations, including Radio Free Asia. The Government has detained, convicted, and imprisoned individuals who have posted or sent democracy-related materials via the Internet.

(6)(A) Indigenous Montagnards in the Central Highlands of Vietnam continue to face significant repression. The Government of Vietnam restricts the practice of Christianity by those populations, and more than 100 Montagnards have been sentenced to prison terms of up to 13 years for claiming land rights, organizing Christian gatherings, or attempting to seek asylum in Cambodia.

(B) The Government of Vietnam uses the separatist agenda of a relatively small number of ethnic minority leaders as a rationale for violating civil and political rights in ethnic minority regions.

(C) The Government of Vietnam arrested or detained nearly 300 Montagnards during 2003 and since then many hundreds of Montagnards have gone into hiding, fearing arrest, interrogation, or physical abuse by government authorities.

(D) During Easter weekend in April 2004, thousands of Montagnards gathered to protest their treatment by the Government of Vietnam, including the confiscation of tribal lands and ongoing restrictions on religious activities. Credible reports indicate that the protests were met with a violent response and that many demonstrators were arrested, injured, or are in hiding, and that others were killed.

(E) Government officials continue to restrict access to the Central and Northwest Highlands of Vietnam by diplomats, nongovernmental organizations, journalists, and other foreigners, making it difficult to verify conditions in those areas.

(7)(A) United States refugee resettlement programs for Vietnamese nationals, including the Orderly Departure Program (ODP), the Resettlement Opportunities for Returning Vietnamese (ROVR) program, the Priority One (P1) program and the resettlement of boat people from refugee camps throughout Southeast Asia, were authorized by law in order to rescue Vietnamese nationals who have suffered persecution on account of their wartime associations with the United States, as well as those who currently have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

(B) While those programs have served their purposes well, a significant number of eligible refugees were unfairly denied or excluded, in some cases by vindictive or corrupt Vietnamese officials who controlled access to the programs, and in others by United States personnel who imposed unduly restrictive interpretations of program criteria.

(C) The Department of State has agreed to extend the September 30, 1994, registration deadline for former United States employees, ''re-education'' survivors, and surviving spouses of those who did not survive ''re-education'' camps to sign up for United States refugee programs, as well as to resume the Vietnamese In-Country Priority One Program in Vietnam to provide protection to victims of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group who otherwise have no access to the Orderly Departure Program.

(D) The former U.S. Immigration and Naturalization Service agreed to resume the processing of former United States employees under the U11 program, which had been unilaterally suspended by the United States Government, as well as to review the applications of Amerasians, children of American servicemen left behind in Vietnam after the war ended in April 1975, for resettlement to the United States under the Amerasian Homecoming Act of 1988.

(8) Congress and people of the United States are united in their determination that the expansion of relations with Vietnam, a country whose government engages in serious violations of fundamental human rights, should not be construed as approval of or complacency about such practices. The promotion of freedom and democracy around the world is and must continue to be a central objective of United States foreign policy. Congress remains willing and hopeful to recognize improvement in the future human rights practices of the Government of Vietnam, which is the motivating purpose behind this Act.

TITLE I—CONDITIONS ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIETNAM

SEC. 101. BILATERAL NONHUMANITARIAN ASSISTANCE.

(a) ASSISTANCE.—

(1) IN GENERAL.—United States nonhumanitarian assistance may not be provided to the Government of Vietnam in an amount exceeding the amount so provided for fiscal year 2004—

(A) for fiscal year 2005 unless not later than 30 days after the date of the enactment of this Act the President determines and certifies to Congress that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12-month period ending on the date of the certification; and

(B) for each subsequent fiscal year unless the President determines and certifies to Congress in the most recent annual report submitted pursuant to section 401 that the requirements of subparagraphs (A) through (E) of paragraph (2) have been met during the 12-month period covered by the report.

(2) REQUIREMENTS.—The requirements of this paragraph are that—

(A) the Government of Vietnam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention;

(B)(i) the Government of Vietnam has made substantial progress toward respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference by or involvement of the Government; and

(ii) has made substantial progress toward returning estates and properties confiscated from the churches;

(C) the Government of Vietnam has made substantial progress toward allowing Vietnamese nationals free and open access to United States refugee programs;

(D) the Government of Vietnam has made substantial progress toward respecting the human rights of members of ethnic minority groups in the Central Highlands and elsewhere in Vietnam; and

(E)(i) neither any official of the Government of Vietnam nor any agency or entity wholly or partly owned by the Government of Vietnam was complicit in a severe form of trafficking in persons; or

(ii) the Government of Vietnam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

(b) EXCEPTION.—

(1) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Vietnam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Vietnam of increased United States nonhumanitarian assistance would promote the purposes of this Act or is otherwise in the national interest of the United States.

(2) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (2) with respect to—

(A) all United States nonhumanitarian assistance to Vietnam; or

(B) one or more programs, projects, or activities of such assistance.

(c) DEFINITIONS.—In this section:

(1) SEVERE FORM OF TRAFFICKING IN PERSONS.—The term ''severe form of trafficking in persons'' means any activity described in section 103(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106–386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(2) UNITED STATES NONHUMANITARIAN ASSISTANCE.—The term ''United States nonhumanitarian assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine;

(iii) assistance for refugees; and

(iv) assistance to combat HIV/AIDS, including any assistance under section 104A of that Act; and

(B) sales, or financing on any terms, under the Arms Export Control Act.

TITLE II—ASSISTANCE TO SUPPORT HUMAN RIGHTS AND DEMOCRACY IN VIETNAM

SEC. 201. ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote democracy and internationally recognized human rights in Vietnam.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out subsection (a) $2,000,000 for each of the fiscal years 2005 and 2006.

TITLE III—UNITED STATES PUBLIC DIPLOMACY

SEC. 301. RADIO FREE ASIA TRANSMISSIONS TO VIETNAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Vietnam, including the active pursuit of broadcast facilities in close geographic proximity to Vietnam.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such amounts as are otherwise authorized to be appropriated for the Broadcasting Board of Governors, there are authorized to be appropriated to carry out the policy under subsection (a) $9,100,000 for the fiscal year 2005 and $1,100,000 for the fiscal year 2006.

SEC. 302. UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIETNAM.

It is the policy of the United States that programs of educational and cultural exchange with Vietnam should actively promote progress toward freedom and democracy in Vietnam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

TITLE IV—ANNUAL REPORT ON PROGRESS TOWARD FREEDOM AND DEMOCRACY IN VIETNAM

SEC. 401. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act and every 12 months thereafter, the Secretary of State shall submit to the Congress a report on the following:

(1)(A) The determination and certification of the President that the requirements of section 101(a)(2) have been met, if applicable.

(B) The determination of the President under section 101(b)(2), if applicable.

(2) Efforts by the United States Government to secure transmission sites for Radio Free Asia in countries in close geographical proximity to Vietnam in accordance with section 301.

(3) Efforts to ensure that programs with Vietnam promote the policy set forth in section 302 and with section 102 of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319) regarding participation in programs of educational and cultural exchange.

(4) Lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of Vietnam due to their pursuit of internationally recognized human rights. In compiling such lists, the Secretary shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families. In addition, the Secretary shall include a list of such persons and their families who may qualify for protection under United States refugee programs.

(5) A description of the development of the rule of law in Vietnam, including, but not limited to—

(A) progress toward the development of institutions of democratic governance;

(B) processes by which statutes, regulations, rules, and other legal acts of the Government of Vietnam are developed and become binding within Vietnam;

(C) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of Vietnam are published and are made accessible to the public;

(D) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules, and other legal acts of the Government of Vietnam;

(E) the extent to which individuals are treated equally under the laws of Vietnam without regard to citizenship, race, religion, political opinion, or current or former associations;

(F) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and

(G) the extent to which laws in Vietnam are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

(b) CONTACTS WITH OTHER ORGANIZATIONS.—In preparing the report under subsection (a), the Secretary shall, as appropriate, consult with and seek input from nongovernmental organizations, human rights advocates (including Vietnamese-Americans and human rights advocates in Vietnam), and the United States Commission on Religious Freedom.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. EVANS. Mr. Speaker, I am opposed to the motion.

The SPEAKER pro tempore. Is the gentleman from California (Mr. LANTOS) opposed to the motion?

Mr. LANTOS. No, Mr. Speaker, I am in favor of the motion.

The SPEAKER pro tempore. Under clause 1 of rule XV, the gentleman from Illinois (Mr. EVANS) will be recognized for 20 minutes in opposition to the motion.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House H.R. 1587, the Vietnam Human Rights Act, a bill designed to promote democracy and human rights in Vietnam and to give hope to those voices of freedom who today are systematically oppressed and silenced.

Mr. Speaker, the legislation we are considering today is almost identical to that which has cleared the House twice, one as a stand-alone bill which I sponsored a couple of years ago and a second time as an amendment to the State Department bill, the reauthorization bill.

The Vietnam Human Rights Act initially cleared the House by an overwhelming majority, 410 to 1, in September of 2001, coinciding with legislation to ratify the bilateral trade agreement with Vietnam. Despite the near unanimous vote, the Vietnam Human Rights Act was subsequently blocked and never voted on in the Senate.

The message then, Mr. Speaker, as it is today, is that human rights are central, are at the core of our relationship with governments and the people they purport to represent. The United States of America will not turn a blind eye to the oppression of a people, any people in any region of the world.

As the Vietnam Human Rights Act languished in the Senate a couple of years ago, many thought, and I would say naively but with good faith, that the bilateral trade agreement with Vietnam would lead to improved human rights conditions in Vietnam. Unfortunately, this has not been the case, and for many Vietnamese the situation is dramatically worse than it was just 3 years ago.

The government of Vietnam, Mr. Speaker, has scoffed at the Vietnam Human Rights Act and dismissed charges of human rights abuses, pleading the tired mantra of interference in the internal affairs of their government and that our struggle is some way related to the war in Vietnam. They say, Vietnam is a country, not a war. That is their protest, and I would say that is precisely the issue.

Today's debate is about the shameful human rights record of a country, more accurately, of a government, and it is not about the war. And, of course, Vietnam is a country with millions of wonderful people who yearn to breathe free and to enjoy the blessings of liberty. We say, behave like an honorable government, stop bringing dishonor and shame to your government by abusing your own people and start abiding by internationally recognized U.N. covenants that you have signed.

We know, Mr. Speaker, from the State Department Human Rights Reports and leading international human rights organizations that the government of Vietnam inflicts terrible suffering on countless people.

It is a regime that arrests and imprisons writers, scientists, academics, religious leaders and even veteran communists in their own homes and lately in Internet cafes for speaking out for freedom and against corruption.

It is a government that crushes thousands of Montagnard protestors, as they did in the Central Highlands during the Easter weekend, killing and beating many peaceful protestors.

They have, the government, forcibly closed over 400 Christian churches in the Central Highlands, and the government continues to force tens of thousands of Christians to renounce their faith. I am happy to say that many of these folks have resisted those pressures. One pastor put it at 90 percent

have refused to renounce their Christian faith, but the government is trying to compel them to renounce their faith.

This is a government that has detained the leadership of the Unified Buddhist Church of Vietnam and continues to attempt to control the leadership of the Catholic church.

This is a government that has imprisoned a Catholic priest by the name of Father Ly and meted out a 10-year prison sentence. Why? Because he submitted testimony to the International Religious Commission on Human Rights. For that, for writing a couple of pages of facts and his opinion, he got 10 years of prison.

My speech today, Mr. Speaker, on this floor would easily fetch me a 15-year prison sentence replete with torture if I were a Vietnamese national making these comments in Vietnam.

And in yet another Orwellian move, Vietnam on Monday, this past Monday, July 12, promulgated an Ordinance on Beliefs and Religions which goes into effect on November 15. This new anti-religious law will further worsen religious persecution in Vietnam.

Amazingly, it bans the so-called abuse of the right to religious freedom to undermine peace, independence, and national unity, whatever that is. This new law is the most capricious and arbitrary policy imaginable, designed to ensnare and incarcerate believers for undermining, again, peace, independence and national unity, whatever that means.

Moreover, Mr. Speaker, if a religious person ''disseminates information against the laws of the State,'' in other words, disagrees with anything that the Communist government enacts, such dissemination is a punishable crime.

When is enough, enough, Mr. Speaker? Vietnam needs to come out of the dark ages of repression, brutality and abuse and embrace freedom, the rule of law, and respect for fundamental human rights.

I respectfully submit that the legislation we are considering today offers a clear framework for improving human rights in Vietnam. It is a bipartisan piece of legislation, and I hope the membership will support it.

H.R. 1587 requires the President to certify each year on the progress or the lack of it of the regime towards respecting human rights based on an extensive report required by the law. Specifically, to avoid possible sanction against Vietnam, the President would have to certify substantial progress by Vietnam towards releasing all political prisoners and religious prisoners, respect for religious freedom in general, and return of confiscated property.

The bill requires substantial progress by the government towards allowing Vietnam nationals free and open access to U.S. refugee programs and calls for respect for the ethnic minority groups in the Central Highlands.

The bill seeks to ensure that the government is not complicit in human trafficking. Today Vietnam is on the State Department's Tier II Watch List due to the government's failure to provide evidence of efforts to combat severe forms of trafficking, particularly its inadequate control of two state-controlled labor companies that sent workers to American Samoa from 1999 to 2001.

Unless the regime shows improvement in human rights, they will be unable to receive an increase over 2004 levels in nonhumanitarian U.S. foreign assistance. This is a modest but not insignificant penalty to a government that is brutalizing its own people.

H.R. 1587 also authorizes funds for NGOs to promote democracy in Vietnam and to help to overcome the jamming of Radio Free Asia.

Mr. Speaker, I hope all Members will support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a great deal of respect for my long-time colleague and friend, the gentleman from New Jersey (Mr. SMITH). We have worked together for the veterans of America for many years. However, I do not see eye to eye with him on this issue as the best way to address human rights in Vietnam.

I am also afraid that this resolution and the sanctions enclosed will damage relations between our two countries. I also feel that this resolution will only embolden hardliners within Vietnam.

Mr. Speaker, yes, Vietnam can improve its human rights record, but I also believe it is a very complex relationship. It is a relationship built on dialogue and gradual steps, not sanctions. The country of Vietnam has provided unparalleled assistance to recover our soldiers' remains. The Vietnamese are working hard to protect intellectual property rights and improve the climate for foreign investment. Vietnam is also the 15th focus country of the President's HIV/AIDS initiative. These are three important steps that would be endangered by the shift in relations under this legislation.

Mr. Speaker, we can make progress with Vietnam, but this resolution is not the proper way. The Members supporting this legislation are good friends, and I respect their commitments. However, I hope that we work with each other to advance human rights in Vietnam. But I do not believe that this legislation is the proper vehicle. I urge my colleagues to vote against this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of H.R. 1587; and I would like to personally thank the gentleman from New Jersey (Mr. SMITH) for the terrific job not only for Vietnam but for people who are suffering under torture and under oppression throughout the world. He is truly the conscience of this body, and he makes sure that we never forget that people all over the world are looking to us. We are their only hope, just like in the past century when those people who suffered under Nazism and Communism knew that the only hope they had was the United States that was committed to its ideals.

Today, this bill, H.R. 1587, is consistent with that concept. It is consistent with the ideals of America, and it is telling the world we still believe in human rights and freedom and democracy, just like George Washington and our other Founding Fathers.

This bill, however, does not represent necessarily the opinion of every American. Let us note that just 3 years ago we made an agreement with this government of Vietnam, this monstrous abuser of human rights, we made a trade agreement and a business agreement with them. And we are always told, if we just do business with the Vietnamese or if we just do business with the Chinese, their dictatorial government will morph into a democratic society and people's liberties will be protected.

What have we seen? The situation in China is worse today than it has ever been. The situation in Vietnam is disintegrating when it comes to democracy and human rights. The latest victims have been the Montagnard people in the Central Highlands of Vietnam.

I have a personal attachment to the Montagnards. In 1967, I spent considerable time with them in the Highlands near Pleiku. They protected Americans. They gave their own lives so American soldiers would not die. And I will tell you that they are brave, wonderful people, just like the other people in Vietnam. They just simply want to believe in God and have the right to worship God and to speak and to have the right to gather together.

We should support the people of Vietnam, and that is what this does and the people everywhere who long for freedom. It puts us on their side.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time. I rise in opposition to H.R. 1587 and urge a no vote by the House.

There is no one in this House who does not wish to see improvements on Vietnam's policies on democracy and freedom. I have visited the nation on four occasions in the last 5 years, meeting with everyone from workers in shoe factories to high-level government ministers. There are many and I would say a growing number of Vietnamese who share the hope of a more open and democratic society and who are working to achieve these goals.

This legislation will not help them.

There are many in our own veterans' organizations who are working closely with the Vietnamese on the POW/MIA issue. I have gone to the excavation sites and seen the close cooperation that has resulted in the repatriation of over 500 remains of their loved ones here in the United States.

This legislation will not help in that effort.

Our government is working closely with the Vietnamese to address the issues of infectious disease control, including AIDS and SARS, which are real issues because of the heavy travel between our countries. We know that many Vietnamese acted quickly in the case of the SARS crisis and controlled what might have been a far more severe pandemic.

This legislation will not promote improved cooperation on health policy.

Throughout Vietnam, in the aftermath of the normalization of relationships, the passage of the Bilateral Trade Agreement, U.S. businesses are investing hundreds of millions of dollars to build a better trade, to provide jobs, and to improve the economic relations between our countries.

This legislation is not going to enhance those investments or those benefits.

I have been working with the international labor organizations and U.S. companies to improve Vietnam's compliance with basic labor rights and standards, and we have seen improvements in many areas, although much additional work remains to be done.

□ 1915

This bill is not going to provide or achieve those goals.

On these, and many other areas, we are working to improve our relationship and improve the nature of the society in Vietnam for the benefit of its residents, who include the family members of millions of U.S. residents and citizens.

This bill will set back those efforts. It provides the harshest elements in the Vietnamese government with the rationale for reacting to our pressure. Does anyone in this Chamber, after our long experience in Vietnam, seriously believe that the Congress ordering them to change an internal policy in the nation, however desirous we may be of seeing that change, is going to persuade the government in Hanoi to do it because we so order it?

We all share the hope that Vietnam will evolve into a freer and more open, democratic nation. We hold the same goals for other nations in the region and around the world where records of human, labor and religious rights are no better than in Vietnam and, in some cases, worse.

Just earlier today, prior to this legislation, we considered legislation criticizing China, whose record on religious freedom, political democracy, and labor rights is certainly as unacceptable as Vietnam's, but it would not withdraw the nonhumanitarian assistance as this bill does. It urges them to improve their record on intellectual property.

We know why this legislation periodically resurfaces. We understand that there are areas in this Nation with large concentrations of Vietnamese expatriates who remain embittered about the outcome of the war and the government in control in Hanoi. Many of those same expatriates send hundreds of millions of dollars back each year to Vietnam to assist their relatives who still live in that nation. I understand their viewpoint, and I was one of the Congressmen sent in the 1970s to inspect the refugee exodus from Vietnam.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, we need to pass the Vietnam Human Rights Act to send a message to Vietnam's Communist government. Vietnam cannot continue to violate human rights and expect further normalization of the relationship between Vietnam and the United States.

Just 2 months ago, on Easter week, Human Rights Watch reported that peaceful protests by indigenous minority Christian Montagnards turned violent when police used tear gas, electric truncheons, and water cannons on protestors. Reports indicate that police arrested several individuals, many of whose whereabouts are still unknown. Worse yet, there are reports of torture, police beatings, and deaths associated with this crackdown on the Montagnards.

In recent weeks, reports indicate that the Vietnamese government has taken the vice president and the secretary general of the Vietnam Mennonite Church into custody for simply conducting a peaceful criticism. We know that they have also harassed and detained leaders of the Unified Buddhist Church of Vietnam and the Catholic Church.

Religious leaders and followers are not alone. The Vietnamese Communists have come down on the press and have censored 2,000 of Vietnam's 5,000 Web sites; and worse yet, they arrested a Vietnamese writer and journalist just because he submitted written testimony to the United States Congress. How about that?

We have repeatedly passed resolutions addressing the violations on Vietnam Human Rights Day. We introduced a resolution recognizing those in Vietnam who have been tortured and imprisoned; and last November, we passed a resolution calling for religious freedom and protection of human rights. We have introduced a resolution objecting to the treatment of Father Ly. Now it is time to pass a bill, not just a resolution, that will give us the tools we need to not only send a message to Vietnam but to take action against Vietnam for their continuous human rights violations.

We need to pass this bill. Vietnam cannot expect a friendship with us until they finally respect the rights of their citizens.

I thank the gentleman for yielding me the time.

Mr. EVANS. Mr. Speaker, I only have one more speaker, and I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LANTOS), the distinguished ranking member on the Committee on International Relations, my good friend and colleague.

Mr. LANTOS. Mr. Speaker, I rise in strong support of the Vietnam Human Rights Act, and I urge all of my colleagues to do so as well.

I first would like to commend the gentleman from New Jersey (Mr. SMITH), my good friend and most distinguished colleague, for introducing this important legislation and for doggedly pursuing the Vietnam human rights issue as he does, the human rights issues across the globe.

None of us here today should be under any illusions about the government of Vietnam. According to the Department of State's human rights report, the Vietnamese government is an unrepentant, authoritarian regime which does not allow political opposition. Freedom of expression does not exist in Vietnam. Vietnamese are locked in prison for simply expressing their political opinions.

The Vietnamese government also places severe restrictions on the expression of religious beliefs, particularly upon Buddhists who do not worship as part of the official church and upon Christians in the Vietnamese highlands.

With the approval of the U.S.-Vietnam bilateral trade agreement 3 years ago, the political security and economic relationship between the United States and Vietnam has become increasingly complex, but we must continue to send a strong signal to Hanoi that the United States continues to make it a top priority to promote internationally recognized human rights in Vietnam.

Passage of the Smith legislation will indicate to the administration and to the Vietnamese government that the Congress expects to see real progress on the human rights front in Vietnam and that we have not forgotten those Vietnamese who are being persecuted for their beliefs.

Our legislation will ensure that there is not a rollback in our trade and aid relationship with Vietnam, only a cap on the level of our nonhumanitarian aid to the Vietnamese, unless human rights conditions are met.

Mr. Speaker, I again commend my colleague from New Jersey, and I urge all of my colleagues to support the passage of this important bill.

Mr. EVANS. Mr. Speaker, I have one last speaker, and I yield such time as

he may consume to the gentleman from Connecticut (Mr. SIMMONS).

(Mr. SIMMONS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SIMMONS. Mr. Speaker, I will place in the RECORD the text of U.S. Ambassador Raymond Burghardt's March 4 speech on U.S.-Vietnam relations, a letter from the American Chamber of Commerce Hanoi, and an article from the National Catholic Reporter following my remarks.

Mr. Speaker, I rise in opposition today to H.R. 1587, the Vietnam Human Rights Act of 2003, and I do so with the greatest amount of respect for my colleague, the gentleman from New Jersey (Mr. SMITH), the chairman of the Committee on Veterans Affairs. I appreciate his tireless efforts on behalf of human rights and religious freedom around the world; and as a Vietnam veteran, I very much appreciate his courageous leadership on veterans issues.

My concern with taking up this legislation at this time regards several issues.

First, during this 108th Congress alone we have had already three House resolutions that address alleged human rights and religious freedom issues regarding Vietnam. I cannot think of any other country that has as much negative attention by this body as Vietnam. Surely, there are other countries around the world that deserve a little bit of attention from us. I do not think it is fair that we spend this amount of time and this number of resolutions on Vietnam.

Second, Mr. Speaker, I believe we are at an important crossroads in our relationship with Vietnam. As we approach the 10th anniversary of normal relations, I think it is time to examine some of the good things that have occurred between our two countries: tourism, trade, educational exchanges. I think it is time that we begin to send a positive, clear message to the Vietnamese people that we are serious about working together in a positive and constructive fashion on issues of mutual benefit.

I mentioned, Mr. Speaker, that I am a Vietnam veteran. I served there for 20 months. I spent almost 2 years there as a civilian, and I made a commitment as a Vietnam veteran to my fallen comrades and to their families to bring their remains home to their families.

I am holding in my hand a commemorative bracelet that commemorates Army Captain Arnold Edward Holm. Arnie Holm was born and raised in Waterford, Connecticut. He was an outstanding athlete in high school. He lost his life in June 1972 when his light observation helicopter was shot down in the central highlands. The family still lives in my district; and 2 years ago, they asked me to assist them in locating his remains.

A year ago, I traveled to Vietnam for the first time in 30 years in an effort to locate Arnie Holm's crash site. Working with both American and Vietnamese officials, we spent hundreds of man-hours in the sweltering jungle looking for Arnie. Although we failed at the time, the search goes on; and the only way we will ever be able to bring closure to the family of Arnie Holm is through the continued cooperation of the Vietnamese government.

I have seen firsthand their commitment to this important humanitarian recovery effort, and I thank them for it.

My colleagues may be surprised to learn that since the Joint POW–MIA Accounting Command, or JPAC, began recovering American remains in Vietnam, 16 U.S. and Vietnamese officers have died. Eight Americans and eight Vietnamese were killed when a helicopter crashed on April 7, 2001. That is right. Eight Vietnamese officials died while searching for the very men that were killing their own countrymen 30 years before.

Up to May of this year, the U.S. and Vietnam have conducted 93 joint missions, resulting in the recovery of 822 remains. They have identified and returned over 500 U.S. personnel remains to their loved ones. That is 500 American families in 43 States that have been provided closure thanks to the Vietnamese, and that includes the family of Major Peter M. Cleary who lives in Colchester, Connecticut, just a few miles from my home.

If this program, Mr. Speaker, does not reflect the humanitarian spirit of the Vietnamese people, I do not know what does; and given the long and bitter experience that they had with the American war in Vietnam, their willingness to cooperate in this program merits special attention.

Just this past month, Jerry Gennings, the Deputy Assistant Secretary for POW–MIA Affairs, returned and said that the outcome of his discussions in Vietnam is promising and the Vietnam government offers us the opportunity to achieve significant results.

Last November, the USS *Vandergrift* returned to Ho Chi Minh City, the first time in 30 years that a U.S. Navy ship has been to Vietnam, and another ship plans to visit Danang this year.

I would also remind my colleagues that President Bush announced just last month that Vietnam would be added as the 15th focus country of the emergency plan for HIV/AIDS. The President said, ''Now, after long analysis by our staff, we believe that Vietnam deserves this special help. We're putting a history of bitterness behind us.'' Then he continued, ''Together we'll fight the disease. You've got a friend in America.'' The President of the United States has said, ''You've got a friend in America.''

This resolution before us this evening conveys no such message. I realize, Mr. Speaker, that the intent of this legislation is to promote freedom and democracy in Vietnam; but the question is, does it do it in a useful manner?

The State Department has said this bill is a ''blunt instrument that risks inhibiting progress in bilateral trade, counterterrorism, POW–MIA accounting, counternarcotic and refugee processing/resettlement.'' They go on to say, ''Imposition of unilateral sanctions will not lead to an improved GVN human rights record.''

Mr. Speaker, I think we should be concerned that our own State Department does not support this legislation and is concerned that it will damage progress in our bilateral relations.

My friend, the gentleman from New Jersey (Mr. SMITH), expresses his concern about the issue of human rights, and this is an important issue; but let us not forget the fact that for many years our country rained devastation upon the Vietnamese people and their country. Hundreds of thousands of Vietnamese lives were lost, many more wounded; and the countryside was devastated. Let us not forget that thousands of Vietnamese children are born today with birth defects, perhaps because of the millions of gallons of Agent Orange that we spread across their country, and let us not forget that the remains of tens of thousands of Vietnamese soldiers have not been recovered, even as the Vietnamese people help us to recover the remains of our own servicemen.

The issues of human rights cut in both directions. The United States itself must be held accountable for its own moral obligation to the Vietnamese people for our past policies and practices.

□ 1930

As the gospel of John says, ''He that is without sin among you, let him cast the first stone.'' I encourage my colleagues not to judge the Vietnamese too harshly in the realm of human rights lest they judge us harshly in return.

Mr. Speaker, I believe we are making progress in our relations with the Vietnamese people and with their government; and I believe this bill, in the words of our own State Department, is a blunt instrument that may do more harm than good. I urge my colleagues to vote ''no'' to show the people that the war is over. It is time to bind up the wounds of the war and to show them, in the words of our own President, that they have a friend in America.

Mr. Speaker, I submit for the RECORD the documentation I referred to earlier on this topic:

U.S. EMBASSY,
Hanoi, Vietnam, March 4, 2004.

U.S.-VIETNAM RELATIONS: 30 YEARS AFTER THE WAR, 10 YEARS AFTER NORMALIZATION

Yesterday afternoon I walked over to the Hong Kong Art Museum and looked at the Asia Society's excellent exhibition of ''Images from the War.'' The exhibition reminded me that today in Vietnam, nearly 30 years after the war, the past still permeates the present. The memory of the war certainly remains among the half of the population that endured it. But, I also was struck by how

much those pictures captured a past that most people in Vietnam do not dwell on very much. The Vietnamese people and leaders live in the present and look to the future. They deserve a great deal of admiration for their ability to put the past behind them.

I was in Vietnam during the war, not as a soldier, but as a diplomat. I was in Saigon from 1970 to 1973. Now that I am back in Vietnam 30 years later, I am conscious of that history every day. But like the Vietnamese people and their leaders, I keep my focus on the present and the future.

Talking about Vietnam while in Hong Kong also evokes memories for me of the tough period in Vietnam's history that immediately followed the war. In 1979, when war broke out between China and Vietnam, I was working at our Consulate here in Hong Kong. Afterwards, thousands of boat people arrived from Vietnam and I spent the better part of a year interviewing them to learn why they had come to Hong Kong or Macau. I also worked with NGOs like Catholic Relief Service to feed and clothe the refugees in the camps. During that period, we came up with what became the Orderly Departure Program as a way to stop the flow of refugees. The ODP was modeled on and named after a program created by the Hong Kong Government to bring ethnic Chinese from Haiphong and Cholon, Saigon's Chinese quarter, to join family members in this city.

In the last ten years, a new chapter has opened between the United States and Vietnam. The U.S.-Vietnam relationship is still young. President Clinton only lifted the embargo in 1994. We established a liaison office in January 1995, and we normalized relations in July 1995. We opened our consulate in Ho Chi Minh City in 1997. Our first Ambassador came in 1997 and I am only the second Ambassador to a unified Vietnam. Our presence in Vietnam has grown rapidly, to a medium-sized embassy in Hanoi and consulate in Ho Chi Minh City. And, we will probably grow a little more in the future.

Our relationship began by building trust on issues left over from the war, such as the accounting for MIAs, reuniting families of refugees, and humanitarian programs. But then, after normalization, we sought to widen the relationship with strengthened commercial and economic ties that benefit both countries. The fruits of that thinking, the Bilateral Trade Agreement (BTA), took four years to negotiate and finally took effect on December 10, 2001, five days before my arrival.

During the past year, we have seen further remarkable progress on a widening range of bilateral issues. A year ago, the focus was almost exclusively on the commercial benefits of our bilateral relations, while there was little progress on other aspects of a normal relationship; In mid-year, Vietnam's leadership decided to give greater priority and attention to relations with the United States. The result has been easier access to the leaders for Mission officers and visitors from Washington and progress on many fronts.

Last year was a very good year for U.S.-Vietnam relations. In the fall we had an important series of high-level Vietnamese government visitors to the U.S. culminating with Deputy Prime Minister Vu Khoan in December. These included the Ministers of Foreign Affairs, Trade, and Planning and Investment. The November visit to Washington by Defense Minister Pham Van Tra represented the normalization of our military ties and was followed a week later by the first U.S. Navy ship visit to Vietnam in thirty years. My wife and I traveled up the Saigon River on that ship and experienced the excitement of the American sailors at what they knew was an historic journey as well as the excitement of the crowds of Vietnamese who greeted our arrival.

Breakthroughs in 2003 enabled us to conclude several agreements that had been underway for years without apparent progress. These were the civil aviation agreement that will permit air service on U.S. or Vietnamese carriers between Vietnam and the U.S. That could include between Hong Kong and Ho Chi Minh City within the next year. Our new counter narcotics agreement will enable the U.S. and Vietnam to work together to stem the flow of illegal drugs through Vietnam, as well as carry out other law enforcement and counter-terrorism training. And our textile agreement established parameters from the import of textiles to the U.S. We now anticipate more dialogue and cooperation with Vietnam in dealing with regional and transnational issues such as fighting against narcotics, trafficking in persons, and terrorism.

In the midst of this progress, we do still have differences in our viewpoints on some important areas including human rights and religious freedom. The Communist Party retains a monopoly on political power in Vietnam. Advocacy of a multi-party system is forbidden. Even basic freedoms of speech, assembly, and religion guaranteed in Vietnam's own Constitution are sometimes superseded in the interest of what the Government calls ''national solidarity.'' We've seen several cases over the past year in which people who did nothing more than exchange critical e-mails received heavy prison sentences. We also have raised with the Vietnamese government our concerns about the harassment of ethnic minority Protestants in the Central and Northwest Highlands. This harassment includes cases of forced renunciation of faith, the closing of house churches, and a very slow process of allowing churches to legally register. The U.S. House of Representatives has now twice passed versions of a Vietnam Human Rights Act that would cap non-humanitarian assistance from the USG at current levels. Although neither bill passed the Senate, Congressional concerns remain strong. Senator Brownback held Foreign Relation Committee Meetings just a little over a week ago which focused on human rights. These human rights issues certainly do affect the pace at which we can develop bilateral relations. But I nonetheless remain confident that we will be able to deal with those issues while further developing our overall relationship. We speak frankly about our disagreements while recognizing that the longer-term trend since the beginning of Vietnam's economic renovation policy in 1986 has in fact been a dramatic expansion of personal freedoms.

The foreign community in Vietnam, both multilateral agencies and bilateral donors like the U.S., are actively involved in helping Vietnam carry out its economic reforms. The U.S. assistance program in Vietnam predates our formal diplomatic relations. The two largest parts of it today are to counter the spread of HIV/AIDS—where we are the largest bilateral donor—and to provide technical assistance in helping Vietnam to implement the BTA and to prepare for accession to the WTO. Our assistance programs promote civil society development, rule of law, advocacy for persons with disabilities and those living with HIV/AIDS, environmental management, and trade reform.

In working with Vietnam to create a more genuine system of rule by law, to train judges and lawyers, and to build new standards of transparency and accountability, we are having a major impact, not only on bringing Vietnam up to the level of international trading norms, but also fundamentally changing, for the better, the relations between the citizens and the State.

As the scope of our relationship with Vietnam broadens, mutual understanding becomes even more critical. Because of the legacy of war and Vietnam's long period of isolation, understanding can be particularly difficult for both countries. Our cultural and educational exchanges have grown dramatically. We have the largest U.S. Government-funded Fulbright program in the world, training economists, businessmen, public policy experts, English-teachers, and professors in the Social Sciences and Humanities. We now have a new program unique to Vietnam called the Vietnam Educational Foundation, which is focused on scientific training. The combined budgets of the Fulbright Program and the Vietnam Education Foundation total nearly $10 million per year—more than the U.S. contributes towards higher education in any other country in the world.

In our burgeoning economic relationship, the Bilateral Trade Agreement—the (BTA)—is a key foundation and presents enormous opportunities for expanded cooperation. This agreement binds Vietnam to an unprecedented array of reform commitments in its legal and regulatory structure and has become an important catalyst for change. The BTA eliminates non-tariff barriers, cuts tariffs on a number of U.S. exports and gives Vietnam MFN access to the U.S. market. It also provides for effective protection and enforcement of intellectual property rights, opens Vietnam's market to U.S. service providers, and creates fair and transparent rules and regulations for U.S. investors.

Vietnam is lagging behind in some of its BTA commitments and enforcement remains weak, but the country has made progress in opening its markets to many U.S. products, such as aircraft, machinery and cotton. Unfortunately, its market still remains relatively closed to U.S. intellectual property industry products despite some progress in revising legislation related to intellectual property rights.

The BTA has had a significant impact on our bilateral trade, which has grown sharply in the first two years. In 2003, two-way trade soared again by over 100%, reaching an estimated $6 billion. As a result of our tariff reductions, Vietnam's exports to the U.S. have risen by about 125% each in the first two years, while our exports to Vietnam, boosted by the sale of some Boeing aircraft, have also risen markedly. Vietnam's official figures on U.S. investment in Vietnam has also risen to a current total of just over $1 billion, but this seriously understates the true figure. This data does not include investments by U.S. subsidiaries in Singapore and elsewhere in the region, such as nearly over $800 million by Conoco-Phillips alone.

Our deepening economic, commercial, and assistance relationship with Vietnam promotes civil society, encourages economic reform, draws the country further into the rules-based international trading system, and promotes interests of American workers, consumers, farmers, and business people.

We strongly support Vietnam's decision to adopt WTO provisions as the basis for its trade regime. The Vietnamese government must now demonstrate that it is prepared to undertake the commitments that are necessary to become a WTO member. Vietnam's implementation of a rules-based trading system based on WTO principles of transparency and its continued pursuit of structural economic reforms should accelerate the development of the private sector, enhance the rule of law, and improve the atmosphere for progress in democracy and human rights.

So, let me conclude my comments on the past and the present with a word about the future. Vietnam today is a dynamic, rapidly developing economy, an increasingly popular tourist destination, and an attractive site for foreign investment. I expect that Vietnam will continue its journey towards a

more efficient economy with greater individual freedom and that today's children will be better off than their parents. And I hope—and fully expect—that U.S.-Vietnam relations will continue to broaden and deepen mutual understanding to the benefit of both of our nations.

RAYMOND F. BURGHARDT,
Ambassador, Asia Society, Hong Kong Center.

THE AMERICAN CHAMBER OF COMMERCE,
Hanoi, Vietnam, July 14, 2004.

Hon. ROB SIMMONS,
Member, House International Relations Committee, Washington, DC.

DEAR REPRESENTATIVE SIMMONS: On behalf of the membership of the American Chamber of Commerce in Hanoi, I express our regards to you and your colleagues in the Congress.

As members of the American business and development community, we strongly believe that positive engagement is the way to move the U.S. bilateral relationship with Vietnam forward. Therefore, we feel compelled to bring to your attention the Vietnam Human Rights Act (H.R. 1587) sponsored by Representative Chris Smith that will be voted on today.

The sanctions-based approach of H.R. 1587 to improving the situation in Vietnam is counter-productive and will not result in constructive dialogue or action. Much of the aid funds that would be cut go directly to legal reform programs that strengthen due process and basic legal rights. In fact, Vietnam continues to make progress on human rights issues, and while we agree there is room for further improvement, we do not feel this amendment will effect positive change. Furthermore, it is unclear whether the imposition of unilateral sanctions would lead to improved conditions for those vulnerable to human rights abuses in Vietnam. In fact, it could have the opposite effect by drawing increased attention to those groups and individuals.

The restrictions outlined in the bill would also limit U.S. ability to assist the Vietnamese with implementation of structural and legal reforms called for in the Bilateral Trade Agreement (BTA). The BTA, which addresses issues relating to trade in goods and farm products, trade in services, intellectual property rights and foreign investment, creates more open market access, greater transparency and lower tariffs for U.S. exporters and investors in Vietnam. U.S. business views Vietnam, the thirteenth most populous country in the world with over 80 million people, as an important potential market for U.S. exports and investment. Increased U.S. exports to and investment in Vietnam that result from progress towards an open, market-oriented economy, in turn, translate into increased jobs for American workers.

The reforms currently underway will move Vietnam towards better rule of law. Delays in BTA implementation and economic reform will damage American business interests in Vietnam by reversing growth in bilateral trade since the BTA's entry into force in December 2001.

U.S. Government policy since the establishment of diplomatic relations in 1995 has been to work with Vietnam to normalize incrementally our bilateral political, economic and consular relationship. This positive approach builds on Vietnam's own policy of political and economic reintegration in the world. U.S. engagement will promote the development of a prosperous Vietnam integrated into world markets and regional organizations that, in turn, will contribute to regional stability. With every new step, the United States has taken with respect to Vietnam, such as ending the trade embargo in 1994, normalizing diplomatic relations in 1995, appointing our first ambassador in 1997, issuing the first Jackson-Vanik waiver in 1998, and entering into the BTA in 2001, Vietnam has responded by opening further its society and economy. In fact, even military to military relations have resumed and an American Navy ship will be visiting Danang later this month.

Many in the American NGO community in Vietnam are also opposed to this bill for the same reasons. They strongly believe that increased contact with the outside world and positive engagement are better ways to promote progress on human rights and development issues. The NGO community strongly endorses recent constructive steps taken by the U.S. government to promote human development in Vietnam, such as opening the USAID office, approving Department of Agriculture commodity monetization programs, and providing OFDA assistance to Vietnam during natural disasters. These and other positive steps will do far more to promote civil society and improve human rights than the Smith bill. Furthermore, passage of H.R. 1587 could jeopardize the ability of American NGOs to implement their programs in Vietnam by creating suspicion that they are monitoring human rights on behalf of the U.S. Government, which would likely create restrictions of their humanitarian work here.

Accordingly, on behalf of the growing US business and development community in Vietnam, we appeal for your understanding and action in continuing the good work that you have already done to move the bilateral relationship forward. AmCham Hanoi urges you to prevent this damaging bill from becoming law.

With appreciation, in advance, for your consideration, I remain

Respectfully yours,
TERENCE ANDERSON,
Chairman.

[From the National Catholic Reporter, June 4, 2004]

PROGRAM AIMS TO FOSTER U.S.-VIETNAM CATHOLIC TIES

(By Thomas C. Fox)

Vietnamese ministers from the Ho Chi Minh City archdiocese will come to Boston College in the fall for training as part of an extensive program aimed at fostering cultural ties between the United States and Vietnam. The program also will eventually meet some pressing pastoral needs in Vietnam.

The new program, to last at least a decade, is significant because it has the blessing of government officials in Vietnam, where once strained church-state relations have warmed in recent years.

With the church in Vietnam slowly emerging from many years of isolation and government hostility, the Ho Chi Minh archdiocese-Boston College ''partnership,'' as it is being called, is a hopeful sign that Vietnamese Catholics will be allowed by the government to play a greater role in providing social services.

Cardinal Jean-Baptiste Pham Minh Man, archbishop of Ho Chi Minh City since 1998, supports the program, maintaining that his church's number one challenge today is training pastoral ministers.

The initial phase of the program calls for two women religious, Daughters of Charity, to study health care ministries while two priests will study various parish related ministries. All will earn master's degrees.

Since 1975, when the war ended, the communist-led government seized church properties, closed Catholic hospitals and schools, limited ordinations and scrutinized most aspects of church life. During the 1990s, Hanoi slowly loosened its grip on society, opening Vietnam to foreign investments and visitors. Restrictions on Catholic life also loosened. Catholic nuns, for example, were allowed to run day care centers and to be more involved in providing health care.

With the 1998 appointment of Man, cooperation between the church and government grew. Man is viewed as a moderate with deep pastoral instincts. He believes the church in Vietnam has much to gain by working in tandem with the government, providing much-needed social services.

In 1996 Washington and Hanoi officially established diplomatic relations.

As openings for Vietnamese Catholics gained ground in the mid-1990s, Jesuit Fr. Julio Giulietti, then director at Georgetown University's Center for Intercultural Education and Development, began building bridges between Vietnamese Catholics and those in the outside world. He began working with Vietnamese Jesuits and developing other church contacts. His efforts took him back to Vietnam 18 times since 1994.

Now head of the Ignatian Institute at Boston College, Giulietti's passion is to bring Western Catholics into contact with those in developing nations.

It was during a visit in March 2003 that Giulietti and Man first began to talk about their proposed partnership. Those discussions in Ho Chi Minh City led to Giulietti's extending an invitation to Man in July 2003 to visit Boston College the following November.

Just weeks before he visited, Man was named a cardinal by Pope John Paul II, an indication of the key role he plays in the Vietnamese church.

Some 8 percent of Vietnam's estimated 70 million people are Catholic. Half of these Catholics reside in the Ho Chi Minh City archdiocese.

One evening last year at his residence, Man told NCR in an interview about the complexities of leading a church in a communist nation. The key to effective evangelization, he said, involves developing clergy, religious and laity to become skilled pastoral ministers. He said that new opportunities are opening for Catholic involvement in nation building. Becoming involved in these areas, he said, the church can show government authorities it is not a threat, but a potential partner.

In an important indicator of better church-state relations, Ho Chi Minh City officials last year returned a piece of property to the archdiocese that had once housed a seminary. Man hopes this property might one day become a pastoral ministry center.

With two to four Vietnamese ministry students coming to Boston College each year for the next decade, the partners hope that a core group of Vietnamese ministers will learn modern skills in pastoral care.

Giulietti emphasized the word ''partnership.'' The initial needs all come from Man, he said. But the program will go two days. While Vietnamese will learn skills in the United States they cannot learn in Vietnam, they will also share their culture and ideas on church with students and faculty at Boston College.

According to Giulietti, half the funding will come from Boston College. The other half will have to come from outside sources. He said he is hopeful U.S. Catholics will respond, recognizing the importance of building effective ties among Catholics while doing something positive for the church in Vietnam. Giulietti is treasurer of the NCR board of directors.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent,

along with my friends on the other side of the aisle, because we have so many speakers, that we extend the debate 10 minutes equally divided on both sides.

The SPEAKER pro tempore (Mr. NUNES). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 2 minutes to respond to my good friend from Connecticut that friends do not let friends commit human rights abuses.

Whatever present relationship we might have with Vietnam, when they are torturing and killing and maiming and forcing people to renounce their faith, these are egregious human rights abuses, and they should not be put under the rug and somehow brushed aside. We need to speak out against those abuses, and we need to do it forcefully.

Let me also say to my colleagues that the American Legion supports this bill wholeheartedly, and I will provide their letter for submission into the RECORD.

Mr. Speaker, the AID's funding announced by Ambassador Tobias and the President just a few days ago is totally exempt, as is all medicine, foodstuffs, and humanitarian aid. None of that can be used as a penalty in terms of its provision to the people of Vietnam. We are talking about nonhumanitarian aid. We are talking about capping it at the 2004 levels.

As I said in my opening, it is a very modest effort to say that we do not want this to go on anymore, to stop this abuse; and we have proven through the trafficking legislation and other legislation recently that modest smart penalties or sanctions do work. They do get the attention of offending governments.

Our solidarity is with the oppressed in Vietnam. It is not with the oppressor. We want to see progress. I want to stand on this floor, as does the gentleman from California (Mr. LANTOS) and others, and sing the praises of the government, but we need to see progress. We are seeing significant deterioration with regard to human rights abuses.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time.

I have been listening with interest to what I think is a very spirited and good debate that we have had, but I do rise in opposition to H.R. 1587, the Viet Nam Human Rights Act of 2003.

At this point, I wish to congratulate my colleague, the gentleman from New Jersey, for the passion which he comes to the floor with and in which he expresses his views here. I know he holds these views very dearly and with great sincerity, and I do understand and respect the motivation for supporting human rights in Vietnam and other countries around the world. It is critically important we serve as a champion of human rights, just as we are in the case of Sudan, where tomorrow evening I and the gentleman from Illinois (Mr. JACKSON) will go in an effort to try to take a look and to bring the attention of the world to the human rights violations which are taking place there today.

However, I would point out that, even as we act as a champion of human rights around the world, that does not provide us carte blanche to undertake bad policy. In 1995, we embarked on a new path with Vietnam. Many opposed that at the time. I supported it. I thought it was the right thing to do. We chose to take a direction towards better political, economic, and consular relations.

In making that decision, we recognized the need to encourage the development of Vietnam as a prosperous country and to encourage Vietnam to move on a path towards greater protection of human rights. We understood how important it was to integrate our former adversary into Asia's economic progress and ultimately into the global community.

Since we have started down that path, I think we have reaped important benefits. It secured Vietnam's cooperation on achieving the fullest possible accounting of the POW/MIAs from the Vietnam War era. It has helped to contribute to regional stability in Southeast Asia, and it has helped to open a new market for U.S. workers to the world's 13th most populous country.

Certainly the United States-Vietnam foreign policy relationship is one that still has many rocky moments to it. It is one that is still maturing. In some areas, we are certainly disappointed with the progress or lack of progress that the Vietnam government has made. I share the concerns about the human rights record, but I think this bill may actually retard our efforts in this regard, rather than accelerate them or help them.

While the House has passed this bill, or legislation similar to it, it has not passed the other body before; and just because it has passed the House before does not mean it is the right thing to do here today. The relationship has changed. It has changed in a way where passage and enactment of this bill could be harmful to the relationship of our two countries.

The bill's unprecedented definition of nonhumanitarian assistance is problematic in many ways, in ways that I am cognizant of as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs. For example, it would purport to reach some aspects of assistance provided under the President's Emergency Plan for Aids Relief. Vietnam, as I think my colleagues know, was recently designated as the 15th focus country under the President's plan, the only one outside of the Caribbean and of Africa.

Generally, I think this human rights act is a blunt instrument. I believe it will risk inhibiting progress in bilateral trade and affect cooperation on issues of importance to the United States, issues that are vitally important to us right now, counterterrorism, the POW–MIA accounting, which is ongoing, and HIV/AIDS; and I do not mean just the actual process of providing drugs but the technical assistance that could be affected by this. Also counternarcotics, which is vitally important for us, and refugee processing and resettlement.

I know there is a waiver authority in this bill, but to use that as an argument is simply to say that the bill has no meaning, so I do not think the sponsors really intend that to be the case.

In short, I think the imposition of unilateral sanctions is not going to lead to an improved human rights record and might actually harm the United States' efforts in our fight against HIV/AIDS, which is accelerating very rapidly in Vietnam.

I urge my colleagues to vote ''no'' on this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank my colleague, the gentleman from New Jersey, for yielding me this time and for putting forward H.R. 1587, of which I am in full support, the Viet Nam Human Rights Act.

I know a number of my colleagues oppose this bill, so I would like to reiterate why it is so important to pass this bill today.

First of all, we passed a very similar piece of legislation by a vote of 410 to 1 back in 2001. Unfortunately, the Senate did not take that up; and so the law was not enacted. But, since that time, one would think that our relationship would have gotten stronger with Vietnam; and in many ways it has.

The problem is that there are still very bad human rights abuses by the government of Vietnam against its own people. In fact, things have gotten worse.

Religious dissidents continue to be imprisoned, and crackdowns have been intensified on religious minorities. The leaders of the Unified Buddhist Church of Vietnam remain under house arrest 9 months after this House overwhelmingly passed House Resolution 427 commending the church's courageous leadership.

We have passed a resolution on Father Ly, a Catholic priest who has been arrested and convicted, all for following religious freedom, something that our own country is based on.

And freedom of the press? There is no freedom of the press in Vietnam. Everything is owned by the State.

When I talked to the cardinal of the Catholic church, he said he is not even allowed to pass out a newsletter in his church on Sunday because that is press, according to the government of Vietnam.

There is no religious freedom. There is no freedom of the press. People are arrested. I have gone twice now to Vietnam, and they are arrested and put in jail for no reason. I think it is about time that we support this bill and we pass it in this House.

Mr. EVANS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa of the Committee on International Relations.

Mr. ROYCE. Mr. Speaker, I rise in strong support of the Viet Nam Human Rights Act, of which I am pleased to have joined the gentleman from New Jersey (Mr. SMITH) in introducing.

I have had the opportunity in Vietnam to sit down with some of the religious dissidents, some of the religious leaders under house arrest for speaking out about religious freedom, and I wanted to share with this body that Freedom House has consistently done an analysis every year on Vietnam and ranked that country ''not free,'' because people there cannot practice religious liberty; and efforts by this House to promote human rights in Vietnam have been blocked.

Meanwhile, I will just give this assessment by Freedom House, the most recent. ''The regime jails or harasses most dissidents, controls all media, sharply restricts religious freedom, and prevents Vietnamese from setting up independent political or independent labor or independent religious groups.''

My colleagues today have pointed out some horrific abuses against those who are simply attempting to practice their religion as they choose, but I want to point out that this regime is also one of the world's worst violators of press and Internet freedom. Prominent nongovernmental organizations have condemned the government of Vietnam's attempt to silence cyberdissidents and stifle freedom of the Internet.

I think the severity of some of these jail terms handed down, last year, we had Dr. Nguyen Dan Que, one of Vietnam's best-known dissidents, who was arrested for sending an email entitled ''Communique on Freedom of Information in Vietnam.'' It was simply an analysis of the government's refusal to implement and lift controls on the media.

I will just take one line out of this analysis that he put forward. He said, ''The State hopes to cling to power by brainwashing the Vietnamese people through stringent censorship and through its absolutist control over what information the public can receive.''

Now, we have a way here, with this bill, with this legislation, to beef up Radio Free Asia and bring information, bring objective news and truth to the Vietnamese people in a more effective way. I think the spread of democratic values in Asia is critical to U.S. security interests, and I think Radio Free Asia is a large step forward in the right direction. We know these broadcasts are effective. How do we know? Because the Vietnamese government spends so much of their energy trying to block these broadcasts.

So I agree we have a growing relationship with Vietnam. I do not take issue with that. I supported the Bilateral Trade Agreement. But this does not mean the United States should stand moot while grievous human rights abuses occur. So I urge my colleagues to send this legislation to the other body with a strong vote.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I just heard from many of those who are against this legislation that things have gotten better in Vietnam, things are not great but have gotten better.

Coincidentally, today there is a story by Reuters talking about how a 73-year-old man is in prison because he used the Internet to criticize the government of Vietnam. Whoa, things are getting real good over there.

Another person was arrested and sentenced just last week for using the Internet. And what was that horrible crime? Oh, geez, for being critical about corruption in Vietnam and advocating for democratic reforms.

□ 1945

Things are getting better in Vietnam.

No, they are not. They have gotten worse. We can no longer just turn away and pretend things are not happening to the oppressed people of Vietnam. I want to commend the gentleman from New Jersey for once again standing up for the oppressed, standing up for those people who are just trying to speak out a little bit, just a little bit, about the atrocities that are going on around the world, in this case in Vietnam. I thank him for doing this, for standing up for the oppressed, for those that would love just a little bit of freedom. We need to speak up for them as well. I support this.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time. Let me thank the gentleman from Florida (Mr. MARIO DIAZ-BALART) and all of the speakers, my good friend from California (Mr. LANTOS) and all of those whom I think made very, very important points about why this bill ought to become law.

Let me just take a moment to speak on behalf of one of Vietnam's most courageous and renowned democracy activists, Dr. Que. Dr. Que has served two lengthy prison sentences and was arrested again for promoting democracy and human rights last year. He has been held incommunicado ever since, unable to see even his family. The Vietnamese government plans to put Dr. Que on trial next Monday. We do not know exactly what the charges are, and it appears that Dr. Que will be tried in secret without access to a lawyer. Unfortunately, this is par for the course for the government of Vietnam because they treat so many dissidents this way. The government of Vietnam should release Dr. Que, a peaceful man whose only crime is to speak out for freedom. Any adverse action against Dr. Que will only make our point as they have made our point regrettably over and over again.

Let me just say one brief point about the POW/MIA issue because I take a back seat to no one in my concerns for a full and thorough accounting about our POWs. As a matter of fact, my first human rights trip to Asia was to Vietnam in the early 1980s on behalf of POWs and MIAs trying to follow up on what we thought were live sightings and also to get a full and thorough accounting. But I would point out that Jerry Jennings, who was mentioned by my good friend from Connecticut, the Deputy Assistant Secretary of Defense for POW/MIA Affairs, has pointed out most recently that this is a mutual humanitarian effort between Vietnam and the United States; and, as he pointed out, the United States for its part has turned over hundreds of documents from U.S. national archives containing information about Vietnamese soldiers who died during the war.

It is to our mutual advantage to cooperate on that issue. I believe it is to the advantage of the people of Vietnam that this effort go forward with regards to the AIDS funding which is explicitly exempted by this legislation, as is other humanitarian aid as recounted in the bill.

This is all about human rights. This is about helping dissidents who are languishing in prisons. This is about religious believers who get that knock in the middle of the night and they are told, sorry, you are going to the gulag, where they are beaten, where they are repressed and where their families sometimes never hear from them again. These are modest, modest penalties; but we want to send a clear and unambiguous message to the government of Vietnam that human rights matter, they are important to us, they ought to be important to them.

I urge support. There are 35 cosponsors of this legislation equally divided between both sides of the aisle. It is truly a bipartisan piece of legislation. I urge support.

Mr. SMITH of New Jersey. Mr. Speaker, I submit the following letter for the RECORD.

THE AMERICAN LEGION,
Washington, DC, July 14, 2004.

Hon. CHRISTOPHER H. SMITH,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE SMITH: The American Legion applauds your continuing leadership in fighting for the rights of the abused

minorities in Vietnam. The United States must maintain constant pressure on the Vietnamese government to honor the rights of its citizens and our former allies. The Legion stands in strong support of the Vietnam Human Rights Act of 2004.

The American Legion has grave concerns about the plight of ethnic groups such as the Montagnards, as well as religious minorities, including Buddhists and Catholics who are under constant attack and persecution by Vietnamese authorities for practicing their religion. The American Legion strongly believes that successful passage of the Vietnam Human Rights Act of 2004 will greatly benefit the future of minority ethnic and religious populations in Vietnam. If the U.S. does not have the tools that would be available through the Vietnam Human Rights Act, we will lose the only remaining leverage we have in persuading the Vietnamese to change their egregious behavior.

As a nation at war, I think it is important that America's allies know they serve beside a committed, loyal partner—one that will not desert or betray them in their time of need. Simply ignoring the current violations of human rights is not an acceptable option for The American Legion's membership of wartime veterans, many who served in Vietnam side-by-side with these current victims of tyranny.

Sincerely,

JOHN F. SOMMER, Jr.,
Executive Director.

Mr. WOLF. Mr. Speaker, I strongly support H.R. 1587, The Vietnam Human Rights Act of 2004 and commend Representative CHRIS SMITH for his leadership on this issue. In 2001, the House of Representatives passed a similar bill, but unfortunately the human rights situation in Vietnam continues to get worse.

The United States will soon ratify the U.S.-Vietnam bilateral trade agreement. We must send a strong message that trade with the United States should come with a responsibility to uphold basic human rights.

The Government of Vietnam continues to commit serious abuses in violation of the Universal Declaration of Human Rights. It continues to jail writers, scientists, journalists, and religious leaders.

This year's State Department human rights countries report on Vietnam is 24 pages long and cites numerous violations including:

The Government of Vietnam's human rights record remained poor, and it continued to commit serious abuses. The government continues to deny the right of citizens to change their government . . . The government significantly restricted freedom of speech, freedom of the press, freedom of assembly, and freedom of association . . .

The government did not permit human rights organizations to form or operate. Violence and societal discrimination against women remained a problem. Child prostitution was a problem.

I am very concerned that religious activity is extremely restricted in Vietnam and reports that over 400 Christian churches in the Central Highlands have been forcibly closed. Imprisonment and harassment of Protestants and Catholics continue and many religious leaders are under house arrest. Many Christians have been forced to renounce their faith.

I also remain extremely concerned about the recent crackdown against Montagnard ethnic minorities in Vietnam, many of whom are Christians. Thousands of Montagnards who gathered to protest ongoing religious repression and confiscation of tribal lands last Easter were met with brutal force by Vietnamese agents and security forces.

Three years ago, Father Thaddeus Nguyen Ly, a Catholic priest, submitted testimony to the U.S. Commission on International Religious Freedom. On October 21, 2001, Father Ly was sentenced to 15 years in prison by the Vietnam government. Father Ly has done nothing more than call for religious freedom in Vietnam.

The U.S. House has repeatedly called for Father Ly's release and expressed growing concern about the poor human rights record of the Government of Vietnam. We have been met by silence from the Government of Vietnam.

I continue to ask the State Department to designate Vietnam as a "country of particular concern" (CPC) for its systematic and ongoing religious freedom abuses. The Commission on International and Religious Freedom recommended Vietnam be listed as a CPC last year. This latest incident in the Central Highlands, along with the Vietnamese government's relentless repression of ethnic minority religious groups, clearly supports the need for CPC this year. It is my hope that the State Department will act this year.

I support the Vietnam Human Rights Act. Hanoi must begin to make significant progress toward releasing political and religious prisoners and respecting human rights of all minorities. In closing, we in the United States must continue to speak out for the innocent wherever they are. This is our duty. Those suffering persecution are encouraged when the United States speaks out on their behalf.

Ridding the world of repressive dictators will take time, patience and persistence, and we must press on toward the goal of freedom for all people. We, as a country, and we, as individuals, must have the courage to take on tough issues. Human rights are God-given rights. We should not accept anything less.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 1587, which requires the administration to carefully monitor the status of human rights in Vietnam.

Under this measure, if Vietnam fails to meet basic standards for universally recognized human rights, the President will have the authority to cap U.S. non-humanitarian aid to Vietnam.

The truth is that many of my colleagues may not be aware of the extensive struggle which the Vietnamese people have endured for many years in their ongoing fight for basic human rights and freedom.

Ten years ago, the United States ended its trade embargo with Vietnam and normalized relations with Hanoi. While the U.S. continues to open diplomatic relations with Vietnam, we must remember that many issues remain unresolved, including human rights violations, lack of religious freedom, and government corruption.

In 2001, the House passed a similar bill overwhelmingly by 410–1 to send a clear message to the communist leadership in Vietnam that U.S. trading with Vietnam does not mean approval of its repressive policies.

Unfortunately, this bill died in the Senate.

Since then, despite having the benefits of trade with the U.S., the Vietnamese government has escalated its abuses of human rights and crackdown on religious freedom.

I traveled to Vietnam in 1998 to learn about these issues first-hand, as well as to raise these concerns with high-level officials. In addition, the large Vietnamese-American community in the 11th district, which I represent, continues to update me on continuing concerns.

As a member of the Vietnam Caucus, I am dedicated to promoting awareness and policy debates among the U.S. Congress, the American public, and the international community about the greater need for fundamental human rights in the Socialist Republic of Vietnam.

While many have chosen to take part in a non-violent struggle for basic freedom and human rights, the Vietnamese communist government has chosen to arrest and imprison the vast majority of them.

The gratuitous arrests of these men and women demonstrate the ongoing human rights abuses and lack of religious freedom in Vietnam. We must continue to bring attention to these issues, generate pressure on Vietnamese officials, and hold the Vietnamese government accountable.

It is only through the hard work of these courageous individuals and the support of the international community in which we can work to bring an end to human rights abuses and religious persecution in Vietnam.

I am hopeful H.R. 1587 will serve as a small stepping stone towards the ultimate liberation and freedom of the Vietnamese people.

However, at the least, I believe it will bring much needed additional awareness to the atrocities committed by the Socialist Republic of Vietnam every day, on its own citizens.

I commend my good friend from New Jersey and the other sponsors for bringing this bill to the floor, and I urge my colleagues to join me in the passage of this important resolution.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong support of this bill. Having spent nearly seven years in Vietnam as a prisoner of war, I have more than a passing interest in our relations with this country. The simple fact is that we're dealing with a communist government whose human rights record is abhorrent at best.

As you know, during the Vietnam war the indigenous Montagnard people were strong allies of America. Now, in the central highlands of Vietnam, the Montagnards are facing arrest, beatings, torture and even murder at the hands of Vietnamese so called security forces.

Churches have been destroyed and over the past 2 years human rights watch has documented numerous incidents where authorities conduct mass ceremonies forcing Montagnards to renounce Christianity, sometimes while drinking sacrificed animal's blood.

Today in Vietnam the Montagnard's ancestral homelands are currently sealed off from international observers as secret police enforce a campaign to crush the spread of Christianity.

Amnesty International has documented hundreds of political prisoners and even killings of Montagnard refugees who have tried fleeing to Cambodia.

In fact, the Vietnamese/Cambodian border is patrolled by soldiers, where Cambodian authorities hunt down and "sell" refugees to Vietnamese police for bounties. This sounds like something we would read about in history books, not in the year 2004.

This Congress cannot idly stand by. Civilized nations do not deal with barbarians. We must ensure that our aid isn't going to the communist thugs in Hanoi. Support this bill.

Mr. HYDE. Mr. Speaker, I submit an exchange of letters between Mr. SENSENBRENNER, the chairman of the Committee on

the Judiciary, and myself on the bill H.R. 1587 for printing in the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, July 13, 2004.

HON. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter on H.R. 1587, the 'Viet Nam Human Rights Act of 2003,'' which was referred primarily to the Committee on International Relations and additionally to the Committee on Financial Services. This Committee ordered the bill reported favorably on June 24, 2004.

I concur that the Committee on the Judiciary has jurisdiction over §401 of the bill pertaining to the resettlement of refugees from Viet Nam. The manager's amendment which the Committee will call up does not include §401 or any other provision that fall within the Rule X jurisdiction of the Committee on the Judiciary.

I appreciate your willingness to waive further consideration of the bill in the Committee on the Judiciary so that the bill may proceed expeditiously to the floor. I concur, that in taking this action, your Committee's jurisdiction over the bill is in no way diminished or altered. I will, as you request, include this exchange of letters in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

I appreciate your cooperation in this manner.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 13, 2004.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing regarding H.R. 1587, the ''Viet Nam Human Rights Act of 2003'' which was referred primarily to the Committee on International Relations and additionally to the Committee on Financial Services. The Committee on International Relations ordered the bill reported favorably on June 24, 2004, but as of this time has not filed a report.

The Committee on the Judiciary has jurisdiction over §401 of the bill pertaining to the resettlement of refugees from Viet Nam. I understand that you have indicated your willingness to take the bill to the floor under suspension of the rules with a manager's amendment that does not include §401 or any other provisions that fall within the Rule X jurisdiction of the Committee on the Judiciary.

Based on your willingness to follow this course, I am willing to waive further consideration of the bill in the Committee on the Judiciary so that the bill may proceed expeditiously to the floor. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over the bill is in no way diminished or altered. I would appreciate your including this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

I appreciate your cooperation in this matter.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida.) The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1587, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. EVANS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONCERNING THE IMPORTANCE OF THE DISTRIBUTION OF FOOD IN SCHOOLS TO HUNGRY OR MALNOURISHED CHILDREN AROUND THE WORLD

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 114) concerning the importance of the distribution of food in schools to hungry or malnourished children around the world.

The Clerk read as follows:

S. CON. RES. 114

Whereas there are more than 300,000,000 chronically hungry and malnourished children in the world;

Whereas more than half of these children go to school on an empty stomach, and almost as many do not attend school at all, but might if food were available;

Whereas the distribution of food in schools is one of the simplest and most effective strategies to fight hunger and malnourishment among children;

Whereas when school meals are offered to hungry or malnourished children, attendance rates increase significantly, particularly for girls;

Whereas the distribution of food in schools encourages better school attendance, thereby improving literacy rates and fighting poverty;

Whereas improvement in the education of girls is one of the most important factors in reducing child malnutrition in developing countries;

Whereas girls who attend schools tend to marry later in life and have fewer children, thereby helping them escape a life of poverty;

Whereas by improving literacy rates and increasing job opportunities, education addresses several of the root causes of terrorism;

Whereas the distribution of food in schools increases attendance of children who might otherwise be susceptible to recruitment by groups that offer them food in return for their attendance at extremist schools or participation in terrorist training camps;

Whereas the Global Food for Education Initiative pilot program, established in 2001, donated surplus United States agricultural commodities to the United Nations World Food Program and other recipients for distribution to nearly 7,000,000 hungry and malnourished children in 38 countries;

Whereas a recent Department of Agriculture evaluation found that the pilot program created measurable improvements in school attendance (particularly for girls), increased local employment and economic activity, produced greater involvement in local infrastructure and community improvement projects, and increased participation by parents in the schools and in the education of their children;

Whereas the Farm Security and Rural Investment Act of 2002 (Public Law 107–171, 116 Stat. 134) replaced the pilot program with the McGovern–Dole International Food for Education and Child Nutrition Program, which was named after former Senators George McGovern and Robert Dole for their distinguished work to eradicate hunger and poverty around the world; and

Whereas the McGovern–Dole International Food for Education and Child Nutrition Program provides food to nearly 2,000,000 hungry or malnourished children in 21 countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its grave concern about the continuing problem of hunger and the desperate need to feed hungry and malnourished children around the world;

(2) recognizes that the global distribution of food in schools to children around the world increases attendance, particularly for girls, improves literacy rates, and increases job opportunities, thereby helping to fight poverty;

(3) recognizes that education of children around the world addresses several of the root causes of international terrorism;

(4) recognizes that the world will be safer and more promising for children as a result of better school attendance;

(5) expresses its gratitude to former Senators George McGovern and Robert Dole for supporting the distribution of food in schools around the world to children and for working to eradicate hunger and poverty around the world;

(6) commends the Department of Agriculture, the Agency for International Development, the Department of State, the United Nations World Food Program, private voluntary organizations, non-governmental organizations, and cooperatives for facilitating the distribution of food in schools around the world;

(7) expresses its continued support for the distribution of food in schools around the world;

(8) supports expansion of the McGovern–Dole International Food for Education and Child Nutrition Program; and

(9) requests the President to work with the United Nations and its member states to expand international contributions for the distribution of food in schools around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the Senate concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I