

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. J. RES. 34

Prohibiting funds for diplomatic relations and most-favored-nation trading status with the Socialist Republic of Vietnam unless the President certifies to Congress that Vietnamese officials are being fully cooperative and forthcoming with efforts to account for the 2,205 Americans still missing and otherwise unaccounted for from the Vietnam War, as determined on the basis of all information available to the United States Government, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 15), 1995

Mr. SMITH (for himself, Mr. DOLE, Mr. HELMS, Mr. THURMOND, Mr. GRASSLEY, Mr. GRAMM, Mr. CAMPBELL, and Mr. THOMAS) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

---

## **JOINT RESOLUTION**

Prohibiting funds for diplomatic relations and most-favored-nation trading status with the Socialist Republic of Vietnam unless the President certifies to Congress that Vietnamese officials are being fully cooperative and forthcoming with efforts to account for the 2,205 Americans still missing and otherwise unaccounted for from the Vietnam War, as determined on the basis of all information available to the United States Government, and for other purposes.

Whereas significant economic and political steps have already been taken by the United States, including the lifting of

the United States trade embargo and the establishment of liaison offices, to express appreciation to the Socialist Republic of Vietnam for its past assistance on the POW/MIA issue and to urge increased cooperation;

Whereas, although the Socialist Republic of Vietnam has continued to provide support for joint POW/MIA related field activities with the United States Pacific Command, there remain several last known alive discrepancy cases, photo cases, and special remains cases which are not likely to be resolved through such field activities, and the Socialist Republic of Vietnam has not fulfilled its July 1994 pledge to the President's delegation to Hanoi to renew and increase unilateral efforts to account for these missing Americans;

Whereas the Socialist Republic of Vietnam has not provided the United States Government with access to relevant portions of wartime Central Committee-level records and reports concerning the number of American POW's captured during the war and policies toward them, and has refused to disclose additional information from Central Committee and military archives concerning alleged North Vietnamese wartime reports on American POW's obtained by Soviet intelligence agencies in 1972;

Whereas the President informed Congress on January 26, 1995, that he is not fully satisfied that progress on the POW/MIA issue has been sufficient to justify taking additional steps toward normalization of relations with the Socialist Republic of Vietnam;

Whereas the Secretary of Defense has yet to fully respond to section 1034 of Public Law 103-337, requiring that he submit to Congress a complete listing by name of all Americans still unaccounted for from the Vietnam War

on whom it is possible that Vietnamese officials can produce additional information or remains; and

Whereas, until such a complete listing is provided to the Congress, an accurate assessment of the extent to which the Socialist Republic of Vietnam has cooperated with the United States to account for missing American personnel is not possible: Now, therefore, be it

1        *Resolved by the Senate and House of Representatives*  
2        *of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This joint resolution may be cited as the “Vietnam  
5        POW/MIA Full Disclosure Act of 1995”.

6        **SEC. 2. LIMITATION ON USE OF FUNDS.**

7        None of the funds made available under any provision  
8        of law may be used to establish most-favored-nation trad-  
9        ing status or to establish or maintain diplomatic relations  
10       with the Socialist Republic of Vietnam unless the Presi-  
11       dent—

12                (1) provides Congress with a complete listing by  
13                name of all Americans unaccounted for from the  
14                Vietnam War on whom the likelihood is greatest  
15                that the Socialist Republic of Vietnam may be able  
16                to locate or provide remains or additional informa-  
17                tion, as determined on the basis of all information  
18                available to the United States Government;

19                (2) certifies to Congress that the Socialist Re-  
20                public of Vietnam is cooperating fully in the four

1 areas stipulated by the President, namely concrete  
2 results from efforts by Vietnam to recover and repa-  
3 triate American remains; continued resolution of dis-  
4 crepancy cases, live-sightings and field activities;  
5 further assistance in implementing trilateral inves-  
6 tigation with the Lao; and accelerated efforts to  
7 provide all documents that will help lead to the full-  
8 est possible accounting of POW/MIA's; and

9 (3) certifies to Congress, after consultation with  
10 the Director of Central Intelligence, that the Social-  
11 ist Republic of Vietnam is being fully forthcoming in  
12 providing the United States access to those portions  
13 of wartime Central Committee-level records and re-  
14 ports that pertain to the subject of Americans cap-  
15 tured or held during the war by North Vietnamese,  
16 Pathet Lao, or Vietcong forces in Vietnam, Laos,  
17 and Cambodia.

○