

FOIA MARKER

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Folder Title:

China (October to November 1998) [1]

Staff Office-Individual:

National Economic Council-Lee, Malcolm

Original OA/ID Number:

CF 1177

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23	5	6	1	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. talking points	China. [Fisher's Talking Points] (4 pages)	c. 10/1998	P1/b(1)
002. draft	Memorandum for Charlene Barshefsky. Subject: Meeting with Madeleine Albright. (5 pages)	10/1998	P1/b(1)
003. paper	Approach. (11 pages)	10/29/1998	P1/b(1)
004a. draft	Memorandum for Samuel Berger from Jeffery Bader. Subject: China's Accession to the WTO (6 pages)	c. 10/1998	P1/b(1)
004b. paper	China. (4 pages)	10/14/1998	P1/b(1)
004c. memo	For Stuart Eisenzat from Alan Larson. Subject: NEC Deputies Meeting on China. (5 pages)	10/16/1998	P1/b(1)
004d. talking points	Talking Points. (6 pages)	10/16/1998	P1/b(1)
004e. note	Japan. (1 page)	10/08/1998	P1/b(1)
004f. paper	Duplicate of 002. (7 pages)	10/1998	P1/b(1)
004g. memo	For Jeff Bader and Malcolm Lee from David Marchick. Subject: China. (1 page)	10/28/1998	P1/b(1)
004h. memo	Duplicate of 004g. (1 page)	10/28/1998	P1/b(1)
005. draft	Statement on Chinese Accession to the WTO. Annotated. (1 page)	12/03/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Malcolm Lee
OA/Box Number: CF 1177

FOLDER TITLE:

China (October to November 1998) [1]

2010-1024-F

vz1802

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006a. fax cover sheet	Annotated. (1 page)	11/1998	P1/b(1)
006b. draft	Letter to Lee Tung-hui, President of the Republic of China from President William Clinton. (1 page)	11/1998	P1/b(1)
006c. letter	To President William Clinton from President Lee Tung-hui, President of the Republic of China (2 pages)	11/10/1998	P1/b(1)

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004a. draft	Memorandum for Samuel Berger from Jeffery Bader. Subject: China's Accession to the WTO (6 pages)	c. 10/1998	P1/b(1)

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004b. paper	China. (4 pages)	10/14/1998	P1/b(1)

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U.S. Department of State

EB/TRA/AN EB/TRA/OTP/AVP

FAXDate: 10/28/98Number of pages including cover sheet: 2

To:

NEC - Malcolm Lee

Phone:

Fax phone: 456-9290

CC:

From:

Phil Savitz
for David Marchick

Phone:

647-7157

Fax phone:

202-647-8628

REMARKS:

☐

Urgent

☐

For your review

☐

Reply ASAP

☐

Please comment

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. draft	Statement on Chinese Accession to the WTO. Annotated. (1 page)	12/03/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Malcolm Lee
OA/Box Number: CF 1177

FOLDER TITLE:

China (October to November 1998) [1]

2010-1024-F
vz1802

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006a. fax cover sheet	Annotated. (1 page)	11/1998	P1/b(1)

COLLECTION:

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National Economic Council
Malcolm Lee
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FOLDER TITLE:

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006b. draft	Letter to Lee Tung-hui, President of the Republic of China from President William Clinton. (1 page)	11/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Malcolm Lee
OA/Box Number: CF 1177

FOLDER TITLE:

China (October to November 1998) [1]

2010-1024-F
vz1802

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006c. letter	To President William Clinton from President Lee Tung-hui, President of the Republic of China (2 pages)	11/10/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Malcolm Lee
OA/Box Number: CF 1177

FOLDER TITLE:

China (October to November 1998) [1]

2010-1024-F

v21802

RESTRICTION CODES

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FAX TRANSMITTAL		# of pages = 3
Malcolm Lee		From: Isi Siddiqui
Dept./Agency		Phone # 720-78113
Fax # 456-9290		Fax # 720-5775
NSN 7540-01-317-7368		5099-101 GENERAL SERVICES ADMINISTRATION

TO:

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Service

Washington, DC
20250

INFORMATIONAL MEMORANDUM FOR THE DEPUTY UNDER SECRETARY

THROUGH: Craig A. Reed
Administrator

November 12, 1998

FROM: Angel Cielo
Deputy Administrator
International Services

November 12, 1998

SUBJECT: Solid Wood Packing Material from China: Current Status

ISSUE:

On September 18, 1998, the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture published an interim rule on solid wood packing material from China. The rule will go into effect on December 17, 1998, and has a 60-day comment period ending on November 17.

DISCUSSION:

CHINA

A Chinese technical delegation arrived in the United States on October 11 for a visit to infestation sites and port facilities. On October 15, the delegation met with Under Secretary of Agriculture Michael Dunn and Deputy Under Secretary Isi Siddiqui for technical discussions. The Chinese technical delegation returned to China on October 24. The Chinese delegation also participated in the first public hearing on the rule and presented their formal comments during the hearing. In addition, a letter has been sent to the Vice Commissioner of Customs and the Vice Minister of Foreign Trade and Economic Cooperation urging them to ensure that prompt action is being taken to prepare for the regulation.



APHIS - Protecting American Agriculture

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P. 1/3 No. 4949

APHIS-OA 202-720-3054

Nov. 13, 1998 9:07AM

INFORMATIONAL MEMORANDUM FOR THE DEPUTY UNDER
SECRETARY

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The result of the technical visit was inconclusive. The Chinese maintain that they have not been given direct evidence that the beetle is from China, that the beetle also exists in other countries, and that additional alternative treatments exist for the pests of concern. In addition, they made it quite clear in all their interactions that they would prefer an additional 90-day extension to the rule's implementation.

Nevertheless, in a meeting with the APHIS Attache and FAS Minister Counselor on November 5, 1998, Xia Hongmin, Director General of the Department of Animal and Plant Inspection and Quarantine, China Inspection and Quarantine (CIQ), noted that CIQ has ordered, but do not yet have on hand, sufficient quantities of fumigant. In this meeting, Xia emphasized that China is not fully capable of implementing the rule by December 17, and that in addition to the additional fumigant, CIQ would also need time to train additional inspectors and other personnel on the necessary supervision required for its application, as well as to set up new facilities.

The Chinese authorities have been active in getting the word out about the new regulation. Mr. Xia has appeared on Chinese television to discuss the issue and official letters of instruction have been prepared for importers and exporters. In addition, an outreach campaign by the U.S. Embassy in Beijing has been instrumental in spreading the word as well. CIQ officials have stressed, however, that Chinese enterprises are spread throughout a vast country, and China needs more time to effectively communicate the necessary guidance to all the diverse locations. The Chinese have stated that, without additional time for implementation, there will be a serious trade impact.

Also, Marshall Kirby, designated "Senior Quarantine Expert," arrived in China on November 10, to begin his four month TDY to assist the APHIS Attache with the implementation of the solid wood packing material rule. It is important to note that the Chinese took some offense at being informed that Mr. Kirby would be in China to help them implement the rule. Instead, they have focused on Mr. Kirby's presence as an opportunity to evaluate and recommend their additional proposed treatments for the beetle, *inter alia*, soaking the wood for 30 days before use.

Deputy Under Secretary Siddiqui will travel to China for meetings on November 19. During that visit he will be meeting with Mr. Xia and officials from the Ministry of Foreign Economic Relations and Trade. On November 10, USDA was informed by the Chinese Embassy that Mr. Goa Hucheng, Assistant Minister of Foreign Trade and Economic Cooperation will be leading an 11 member delegation to the U.S., and they have requested formal consultations with "high ranking officials" of the Department on the solid wood packing issue on November 23.

**INFORMATIONAL MEMORANDUM FOR THE DEPUTY UNDER
SECRETARY**

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HONG KONG

An APHIS official visited Hong Kong, shortly after the interim rule was published, for discussions with Hong Kong Agriculture and Fisheries Department officials Dr. Liu Kwei-kin, Assistant Director for Agriculture and Regulation, Mr. Clive Lau, Senior Agricultural Officer, Ms. Jennie Chok, Assistant Director General for Asia and Americas, Mr. Raphael Ng, Principal Trade Officer, Ms. Jenny Chan, Assistant Secretary and Mr. Donald Chen Yee, Assistant Secretary of the Hong Kong Trade Department. The tenor of the comments offered by the Hong Kong officials was firm in their rejection of Hong Kong's inclusion in the interim rule on solid wood packing materials. In addition to their comments, which included questions as to why Hong Kong was being singled out for action, they presented a list of 9 questions/talking points for the United States to answer. These questions are in the process of being responded to by APHIS PPQ. Also during the visit, the APHIS official was provided with a visit to port facilities as part of an effort to gain a better understanding of the shipping situation in Hong Kong.

Subsequent to this visit, on November 2, Hong Kong submitted additional comments to USDA's Agricultural Trade Office (ATO) in Hong Kong. This document reiterates the original nine questions submitted during the September APHIS visit and additionally discusses the shipping issues in depth, as well as environmental consequences for the rule and area freedom for the pests of concern.

Comments from the ATO indicate that the local awareness of the issue is quite low. In response, Dr. Siddiqui will also be making a visit to Hong Kong prior to his travel to Beijing. While in Hong Kong, Dr. Siddiqui will be meeting with senior level officials as well as making an in-person visit to the Hong Kong port facilities. Marshall Kirby and the APHIS Attache in Beijing, Dale Maki, will also be joining Dr. Siddiqui on this visit. Press availability is also being considered for this visit.

Hong Kong officials in Washington have indicated that they are not coordinating with Chinese officials on their response to the interim rule although they have received enquiries from the Chinese Embassy on their response. Also, the United States made a formal informational intervention on the rule at the most recent meeting of the World Trade Organization (WTO) Sanitary and Phytosanitary (SPS) Committee in Geneva. In response, the Hong Kong delegation reiterated the general concerns previously expressed by Hong Kong officials.

**United States Department of State*****Washington, D.C. 20520*****INFORMATION MEMORANDUM****S/S**SENSITIVE BUT UNCLASSIFIED

TO: The Secretary

FROM: EAP - Stanley O. Roth

SUBJECT: Potential Disruption of Trade with China

The United States and China may be headed for a disruption of trade over a destructive insect called the Asian long-horned beetle. The Department of Agriculture (USDA) has traced beetle infestations to Chinese wooden packing material. Thousands of New York and Chicago trees have been destroyed to combat the pest. In September USDA proposed a regulation requiring China to treat wood packaging against the beetles. The rule takes effect December 17.

Hundreds of thousands of shipments from China each year arrive with wooden packing material, but China has only limited facilities to treat the wood. If untreated packaging arrives after the rule takes effect, USDA inspectors can return the shipment to China or order the wood's destruction. If this occurs on a large scale, a serious disruption to trade would result, as crates pile up on docks or have to be reloaded onto ships. This would be damaging for U.S. importers and Chinese exporters and would create significant bilateral friction.

After moving sluggishly, Beijing has started taking steps toward compliance. However, given the short period of time until December 17, we anticipate the Chinese will not have a comprehensive system in place to certify shipments. China has indicated it will be "impossible" to comply by the deadline and has asked for a 90-day delay. China has suggested that if its shipments are denied entry, it may retaliate.

We have urged USDA to develop a strategy to deal with the inevitable arrivals of untreated wood. USDA rejects a delay of implementation, but has indicated privately that it may delay strict enforcement as long as China makes "good faith efforts" to comply with the rule. We will continue to encourage USDA to strive for an approach that causes the least disruption to trade while protecting America's forests.

SENSITIVE BUT UNCLASSIFIED



United States Department of State

Washington, D.C. 20520

BUREAU OF EAST ASIAN & PACIFIC AFFAIRS (EAP)

OFFICE OF CHINESE & MONGOLIAN AFFAIRS (CM)

FAX COVER SHEET

DATE: 13 Nov 98TO: Malcolm Lee

FAX: _____

PHONE: _____

FROM: EAP/CM: Mark Korman

FAX: 202-647-6820

PHONE: 202-647-6798NUMBER OF PAGES INCLUDING COVER SHEET: 2REMARKS:UNCLASSIFIED

INSURANCE

Background:

China strictly regulates the operation of foreign insurance companies. Foreign insurance companies must apply for licenses to operate, and those granted licenses face geographic and other limitations (e.g. they may only offer insurance in one city, or they must set up a joint venture with a Chinese firm in order to be permitted to operate). Chinese insurance companies face no similar scope-of-business obstacles, and may be granted national licenses. Only eight foreign insurance companies are permitted to operate in China, including two from the U.S.: American International Group (AIG) and Aetna.

The industry has raised with the USG its concerns about Chinese barriers prior to the issuing of a license, such as the obligation to establish representative offices and the encouragement to make "voluntary" contributions to Chinese social welfare entities or train Chinese workers.

The USG, in the context of the WTO negotiations, has urged China to open its insurance market principally by eliminating nationality-based limitations and geographic restrictions, broadening the scope of services permitted, and canceling the requirement to establish joint ventures.

The Chinese have said they are "considering" our proposal.



United States Department of State

Washington, D.C. 20520

BUREAU OF EAST ASIAN & PACIFIC AFFAIRS (EAP)

OFFICE OF CHINESE & MONGOLIAN AFFAIRS (CM)

FAX COVER SHEET

DATE: 30 Oct 1998TO: Malcolm Lee, Jeff Bader

FAX: _____

PHONE: _____

FROM: EAP/CM: Mark Koumans

FAX: 202-647-6820

PHONE: 202-647-6798NUMBER OF PAGES INCLUDING COVER SHEET: 2REMARKS:

- update on maritime

UNCLASSIFIED

Maritime Impasse: Today China clarified to Embassy Beijing one of the outstanding issues in the ongoing dispute over the SeaLand - Port of Tianjin joint venture. Addressing what SeaLand called "the most important issue," China confirmed that the validity of the approval license was not limited to one year. Another key SeaLand concern is permission to handle bulk coal as well as containers. On coal China was less forthcoming and indicated that Beijing always had thought that SeaLand sought only to handle containers. If China and the JV partners cannot come to an agreement, the Embassy might need to reengage. Separately, the Federal Maritime Commission has told us privately that, due to the heavy regulation-drafting responsibilities of the recently-signed Ocean Shipping Reform Act, it does not expect to make any public moves concerning the China investigation during the month of November. However, the clock is ticking. If this issue is not brought to closure in a timely way the likelihood of FMC action is high.