Case Number: 2014-1060-F

FOIA MARKER

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Folder Title: Jackson-Vanik (Vietnam) [1]				
Staff Office-Individual: Legal Advisor-Derosa, Mary				
Original OA/ID Number: 3507				
Row: 39	Section: 6	Shelf: 2	Position: 2	Stack: V

Withdrawal/Redaction Sheet
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Don Coleman to D. Pittman et al. re: Clearance on Jackson-Vanik Waiver Documents (2 pages)	01/14/1998	P1/b(1)
002. memo	Charles Kartman to Secretary of State Madeleine Albright re: Waiving Jackson-Vanik for Vietnam (5 pages)	01/08/1998	P1/b(1)
003. memo	Charles Kartman to Secretary of State Madeleine Albright re: Waiving Jackson-Vanik for Vietnam; incomplete copy (1 page)	01/08/1998	P1/b(1)
004. memo	Secretary of State Madeleine Albright to President William J. Clinton re: Granting a Waiver of the Jackson-Vanik Amendment for Vietnam (3 pages)	12/08/1997	P1/b(1)
005. memo	Charles Kartman to Secretary of State Madeleine Albright re: Removal of Prohibition on Foreign Assistance for Vietnam (3 pages)	01/15/1998	P1/b(1)
006. report	Justification for Waiving the Prohibition on Assistance to Communist Countries (2 pages)	01/20/1998	P1/b(1)
007. memo	Secretary of State Madeleine Albright to President William J. Clinton re: Granting a Waiver of the Jackson-Vanik Amendment for Vietnam; duplicate of 004 (2 pages)	12/08/1997	P1/b(1)
008. memo	Charles Kartman to Secretary of State Madeleine Albright re: Removal of Prohibition on Foreign Assistance for Vietnam (3 pages)	01/12/1998	P1/b(1)
009. memo	Secretary of State Madeleine Albright to President William J. Clinton re: Vietnam's Eligibility for U.S. Export-Import Bank Programs (2 pages)	01/12/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Mary Derosa)
OA/Box Number: 3507

FOLDER TITLE:

Jackson-Vanik (Vietnam) [1]

2014-1060-F
kh1412

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]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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]

Keith Loken   6/1/98

KL – not as unified pkg in past
– sent all NIS together, however.
– no legal reason why they can't
be lumped together.

NIS – full compl – 402(b)
– irony is you have to rept
more.

– VN? – yes, have to extend –
– 402(d)
– initial waiver in March
– President's "global" authy
runs in 12-mo cycles.
– So he recs ~~waive~~ extension
of his gen'l waiver authy

– and also id. countries for
which ———

– If he

– Not a problem to repeat 12-mo
extension 3 sep. times

MFN – (1) J-V prob.
(2) Bi-lat trade agreem
containing elements of §405

402(c)(3) –
waiver ~~terminates~~ day after waiver ceases to be effective

– July 4 – waiver authy were to lapse – and with it MFN. (due to 402(a))

– Last poss. minute –
– time period for Cong'l review.
– 60-day period.
– Not linked to date on which determ is submitted
– 60 days comes from date authy would expire but for the expiration.

– Irrespective of when notif is made – it's from July 3 –

29 days in July
31 in Aug.

– Belarus – if look strictly at emigration, they would have gone along w/ NIS into "full compliance." But for polit. reasons bcs were not happy w/ the regime.

– It's discretionary – nothing requires Pres. to extend waiver.

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-3008

PUBLIC DOCUMENT

OFFICIAL BUSINESS

12:14 05/19/98 DBR#4 133#631 WGMF DC 20066

Bill Pascrell Jr

RECEIVED
MLC
MAY 21 A7:37
WHITE HOUSE MAIL
ROOM 43 OF 08

- LAST TIME DONE ON JUNE 3. -

JACKSON-VANIK WAIVER EXTENSION -- Hungary and People's Republic of China	Department	Subject
	STATE	Presidential Determination PD No. 88-18

June 3, 1988

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Under Subsection 402(d)(5) of the Trade Act of 1974 -- Continuation of Waiver Authority (LAW Changed to 402(d)(1) IN 1990

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618), January 3, 1975 (88 Stat. 1978) (hereinafter "the Act"), I determine pursuant to subsection 402(d)(5) of the Act, that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waivers applicable to the Hungarian People's Republic and the People's Republic of China will substantially promote the objectives of section 402 of the Act.

This determination shall be published in the Federal Register.

RONALD REAGAN

#####

6/3/88: Sgd. aboard AF One enroute London to Andrews
Orig. to NSC for dispatch to State. To Press office for announcement Saturday 6/4/88. Letters to Speaker and Pres. of Senate delivered by Clerk 6/3/88.
No announcement.

U.S. GOVERNMENT PRINTING OFFICE : 1980—O-334-629

LAST YEAR'S

CHINA, CONTINUATION OF WAIVER AUTHORITY DETERMINATION UNDER SEC 402(d)(1) OF THE TRADE ACT OF 1974, AS AMENDED	Department	Subject
	STATE	PRESIDENTIAL DETERMINATION

May 31, 1996

Presidential Determination No. 96-29

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended -- Continuation of Waiver Authority

Pursuant to the authority vested in me under the Trade Act of 1974, as amended, Public Law 93-618, 88 Stat. 1978 (hereinafter "the Act"), I determine, pursuant to subsection 402(d)(1) of the Act, 19 U.S.C 2432(d)(1), that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that continuation of the waiver applicable to the People's Republic of China will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the Federal Register.

WILLIAM J. CLINTON

Signed/dated: 5/31/96
Original to NSC/S: 5/31/96 (11:08a) (Victoria Darne)
Announced: 5/31/96

SUBCHAPTER IV—TRADE RELATIONS WITH COUNTRIES NOT CURRENTLY RECEIVING NONDISCRIMINATORY TREATMENT

§ 2431. Exception of products of certain countries or areas

Except as otherwise provided in this subchapter, the President shall continue to deny nondiscriminatory treatment to the products of any country, the products of which were not eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

Pub.L. 93–618, Title IV, § 401, Jan. 3, 1975, 88 Stat. 2056.

Historical Note

References in Text. The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

Report on Effect of Subchapter; Recommendations. Pub.L. 95–501, Title VI, § 604, Oct. 21, 1978, 92 Stat. 1692, provided that: "Within six months after the date of enactment of this Act [Oct. 21, 1978], the Secretary of Agriculture shall submit to Congress a report detailing the effect on United States agriculture of title IV of the Trade Act of 1974 [this subchapter], including a recommendation as to whether the provisions of such title [this subchapter] should be repealed or amended."

Legislative History. For legislative history and purpose of Pub.L. 93–618, see 1974 U.S.Code Cong. and Adm.News, p. 7186.

Library References

Customs Duties ⟹23.

C.J.S. Customs Duties §§ 31, 147.

§ 2432. Freedom of emigration in East-West trade

Actions of nonmarket economy countries making them ineligible for most-favored-nation treatment, programs of credits, credit guarantees, or investment guarantees, or commercial agreements

(a) To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of law, on or after the January 3, 1975, products from any nonmarket economy country shall not be eligible to receive nondiscriminatory treatment (most-favored-nation treatment), such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly, or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country, during the period beginning with the date on which the President determines that such country—

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

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

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

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

Presidential determination and report to Congress that nation is not violating freedom of emigration

(b) After January 3, 1975, (A) products of a nonmarket economy country may be eligible to receive nondiscriminatory treatment (most-favored-nation treatment), (B) such country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and (C) the President may conclude a commercial agreement with such country, only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a) of this section. Such report with respect to such country shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and, with current information, on or before each June 30 and December 31 thereafter so long as such treatment is received, such credits or guarantees are extended, or such agreement is in effect.

Waiver authority of President

(c)(1) During the 18-month period beginning on January 3, 1975, the President is authorized to waive by Executive order the application of subsections (a) and (b) of this section with respect to any country, if he reports to the Congress that—

(A) he has determined that such waiver will substantially promote the objectives of this section; and

(B) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

(2) During any period subsequent to the 18-month period referred to in paragraph (1), the President is authorized to waive by Executive order the application of subsections (a) and (b) of this section with respect to any country, if the waiver authority granted by this subsection continues to apply to such country pursuant to subsection (d) of this section, and if he reports to the Congress that—

(A) he has determined that such waiver will substantially promote the objectives of this section; and

(B) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

(3) A waiver with respect to any country shall terminate on the day after the waiver authority granted by this subsection ceases to be effective with respect to such country pursuant to subsection (d) of this section. The President may, at any time, terminate by Executive order any waiver granted under this subsection.

Recommendation to Congress to extend period of waiver authority

(d)(1) If the President determines that the extension of the waiver authority granted by subsection (c)(1) of this section will substantially promote the objectives of this section, he may recommend to the Congress that such authority be extended for a period of 12 months. Any such recommendation shall—

(A) be made not later than 30 days before the expiration of such authority;

(B) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

(C) include, for each country with respect to which a waiver granted under subsection (c)(1) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

(2) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c)(1) of this section, such authority shall continue in effect with respect to any country for a period of 12 months following the end of the 18-month period referred to in subsection (c)(1) of this section, if, before the end of such 18-month period, the House of Representatives and the Senate adopt, by an affirmative vote of a majority of the Members present and voting in each House and under the procedures set forth in section 2193 of this title, a concurrent resolution approving the extension of such authority, and such resolution does not name such country as being excluded from such authority. Such authority shall cease to be effective with respect to any country named in such concurrent resolution on the date of the adoption of such concurrent resolution. If before the end of such 18-month period, a concurrent resolution approving the extension of such authority is not adopted by the House and the Senate, but both the House and Senate vote on the question of final passage of such a concurrent resolution and—

(A) both the House and the Senate fail to pass such a concurrent resolution, the authority granted by subsection (c)(1) of this section shall cease to be effective with respect to all countries at the end of such 18-month period;

(B) both the House and the Senate pass such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 18-month period; or

(C) one House fails to pass such a concurrent resolution and the other House passes such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 18-month period.

(3) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c)(1) of this section, and at the end of the 18-month period referred to in subsection (c)(1) of this section the House of Representatives and the Senate have not adopted a concurrent resolution approving the extension of such authority and subparagraph (A) of paragraph (2) does not apply, such authority shall continue in effect for a period of 60 days following the end of such 18-month period with respect to any country (except for any country with respect to which such authority was not extended by reason of the application of subparagraph (B) or (C) of paragraph (2)), and shall continue in effect for a period of 12 months following the end of such 18-month period with respect to any such country if, before the end of such 60-day period, the House of Representatives and the Senate adopt, by an affirmative vote of a majority of the Members present and voting in each House and under the procedures set forth in section 2193 of this title, a concurrent resolution approving the extension of such authority, and such resolution does not name such country as being excluded from such authority. Such authority shall cease to be effective with respect to any country named in such concurrent resolution on the date of the adoption of such concurrent resolution. If before the end of such 60-day period, a concurrent resolution approving the extension of such authority is not adopted by the House and Senate, but both the House and Senate vote on the question of final passage of such a concurrent resolution and—

(A) both the House and the Senate fail to pass such a concurrent resolution, the authority granted by subsection (c)(1) of this section shall cease to be effective with respect to all countries on the date of the vote on the question of final passage by the House which votes last;

(B) both the House and the Senate pass such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 60-day period; or

(C) one House fails to pass such a concurrent resolution and the other House passes such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 60-day period.

(4) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c)(1) of this section, and at the end of the 60-day period referred to in paragraph (3) the House of Representatives and the Senate have not adopted a concurrent resolution approving the extension of such authority and subparagraph (A) of paragraph (3) does not apply, such authority shall continue in effect until the end of the 12-month period following the end of the 18-month period referred to in subsection (c)(1) of this section with respect to any country (except for any country with respect to which such authority was not extended by reason of the application of subparagraph (B) or (C) of paragraph (2) or subparagraph (B) or (C) of paragraph (3)), unless before the end of the 45-day period following such 60-day period either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 2193 of this title, a resolution disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the adoption by either House before the end of such 45-day period of a resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the adoption by either House before the end of such 45-day period of a resolution disapproving the extension of such authority with respect to such country.

(5) If the waiver authority granted by subsection (c) of this section has been extended under paragraph (3) or (4) for any country for the 12-month period referred to in such paragraphs, and the President determines that the further extension of such authority will substantially promote the objectives of this section, he may recommend further extensions of such authority for successive 12-month periods. Any such recommendations shall—

(A) be made not later than 30 days before the expiration of such authority;

(B) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

(C) include, for each country with respect to which a waiver granted under subsection (c) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

If the President recommends the further extension of such authority, such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension with respect to any country (except for any country with respect to which such authority has not been extended under this subsection), unless before the end of the 60-day period following such previous 12-month extension, either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 2193 of this title, a resolution disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority with respect to such country.

Countries not covered

(e) This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

Pub.L. 93–618, Title IV, § 402, Jan. 3, 1975, 88 Stat. 2056; Pub.L. 96–39, Title XI, § 1106(f)(1), July 26, 1979, 93 Stat. 312.

Historical Note

References in Text. The Tariff Schedules of the United States, referred to in subsec. (e), are set out in section 1202 of this title.

1979 Amendment. Subsec. (c)(1). Pub. L. 96–39 substituted "subsections (a) and (b) of this section" for "subsection (a) and (b) of this section" in the provisions preceding subpar. (A).

Effective Date of 1979 Amendment. Amendment by Pub.L. 96–39 effective July 26, 1979, see section 1114 of Pub.L. 96–39, set out as a note under section 2581 of this title.

Legislative History. For legislative history and purpose of Pub.L. 93–618, see 1974 U.S.Code Cong. and Adm.News, p. 7186. See, also, Pub.L. 96–39, 1979 U.S. Code Cong. and Adm.News, p. 381.

EXECUTIVE ORDER NO. 11854

Apr. 24, 1975, 40 F.R. 18391

WAIVER FOR SOCIALIST REPUBLIC OF ROMANIA

By virtue of the authority vested in me by section 402(c)(1) of the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978, 2057) [subsec. (c)(1) of this section], and having made the report to the Congress required by that provision, I hereby waive the application of subsections (a) and (b) of section 402 of said Act [subsecs. (a) and (b) of this section] with respect to the Socialist Republic of Romania.

GERALD R. FORD

June 2, 1977

EXECUTIVE ORDER NO. 12051

Apr. 7, 1978, 43 F.R. 15131

WAIVER FOR HUNGARIAN PEOPLE'S REPUBLIC

By virtue of the authority vested in me as President of the United States of America by Section 402(c)(2) of the Trade Act of 1974 (88 Stat. 2057, 19 U.S.C. 2432(c)(2)) [subsec. (c)(2) of this section], which continues to apply to the Hungarian People's Republic pursuant to Section 402(d) [subsec. (d) of this section], and having made the report to the Congress required by Section 402(c)(2) [subsec. (c)(2) of this section], I waive the application of subsections (a) and (b) of Section 402 of said Act [subsecs. (a) and (b) of this section] with respect to the Hungarian People's Republic.

JIMMY CARTER

— extends waiver authority

EXECUTIVE ORDER NO. 12167

Oct. 23, 1979, 44 F.R. 61167

WAIVER FOR PEOPLE'S REPUBLIC OF CHINA

By virtue of the authority vested in me as President of the United States of America by section 402(c)(2) of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978) [subsec. (c)(2) of this section], which continues to apply to the People's Republic of China pursuant to section 402(d) [subsec. (d) of this section], and having made the report to the Congress required by section 402(c)(2) [subsec. (c)(2) of this section], I waive the application of subsections (a) and (b) of section 402 of said Act [subsec. (a) and (b) of this section], with respect to the People's Republic of China.

JIMMY CARTER

Library References

Commerce ⚿82.20.

C.J.S. Commerce § 13 et seq., 33, 54 et seq.

§ 2433. United States personnel missing in action in Southeast Asia

(a) Notwithstanding any other provision of law, if the President determines that a nonmarket economy country is not cooperating with the United States—

(1) to achieve a complete accounting of all United States military and civilian personnel who are missing in action in Southeast Asia,

(2) to repatriate such personnel who are alive, and

(3) to return the remains of such personnel who are dead to the United States,

then, during the period beginning with the date of such determination and ending on the date on which the President determines such country is cooperating with the United States, he may provide that—

(A) the products of such country may not receive nondiscriminatory treatment,

(B) such country may not participate, directly or indirectly, in any program under which the United States extends credit, credit guarantees, or investment guarantees, and

(C) no commercial agreement entered into under this subchapter between such country and the United States will take effect.

(b) This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

Pub.L. 93–618, Title IV, § 403, Jan. 3, 1975, 88 Stat. 2060.

Historical Note

References in Text. The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

Legislative History. For legislative history and purpose of Pub.L. 93–618, see 1974 U.S.Code Cong. and Adm.News, p. 7186.

Allen, Charles A. (LEGAL)

From: Baker, James E. (LEGAL)
Sent: Monday, June 28, 1999 8:26 AM
To: @LEGAL - Legal Advisor
Subject: FW: Jackson-Vanik package ~~[CONFIDENTIAL]~~

-----Original Message-----
From: Tedstrom, John E. (RUE)
Sent: Monday, June 28, 1999 8:26 AM
To: Busby, Scott W. (MULTI); Baker, James E. (LEGAL); Lackey, Miles M. (LEGIS)
Subject: Jackson-Vanik package ~~[CONFIDENTIAL]~~

You should have the hard copy of the package from exec sec, and my paperwork is attached. Please clear by 10:00 a.m. so I can get this out today, as required. Thanks!

4835presmemo.doc   4835srb.doc

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By KBH NARA, Date 8-27-2014
2014-1060-F

Hunerwadel, Joan S.

From: Gagnon, James M.
Sent: Saturday, October 11, 1997 10:55 AM
To: Sparks, John E.
Cc: @LEGAL - Legal Advisor; @ASIA - Asian Affairs
Subject: Jackson-Vanik -- 60 day Notification Period [UNCLASSIFIED]

Importance: High

JS:

Per our telecon last week, there apparently is some confusion over whether the Jackson-Vanik statute carries with it a mandatory 60 day notification period. I recall that in some instances the Department of State as a matter of practice (not statutory requirement) gave 60 day notification on certain policy decisions. It might be this practice to which some people are referring. However, it would be helpful to have your read on just what is required by law. Thanks. JGagnon

Memorandum on Trade With Tajikistan and Turkmenistan

June 3, 1992

Presidential Determination No. 92–31

Memorandum for the Secretary of State

Subject: Determination Under Section 402(c)(2)(A) of the Trade Act of 1974, as Amended—Tajikistan and Turkmenistan

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2432(c)(2)(A)), as amended (the "Act"), I determine that a waiver by Executive order of the application of subsections (a) and (b) of section 402 of the Act with respect to Tajikistan and Turkmenistan will substantially promote the objectives of section 402.

You are authorized and directed to publish this determination in the *Federal Register*.

George Bush

Message to the Congress on Trade With Tajikistan and Turkmenistan

June 3, 1992

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974 (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Tajikistan and Turkmenistan will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Tajikistan and Turkmenistan required by section 402(c)(2)(B) of the Act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to section 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Tajikistan and Turkmenistan.

George Bush

The White House,
June 3, 1992.

Nomination of John Frank Bookout, Jr., To Be United States Ambassador to Saudi Arabia

June 3, 1992

The President today announced his intention to nominate John Frank Bookout, Jr., of Texas, to be Ambassador of the United States of America to the Kingdom of Saudi Arabia. He would succeed Chas.W. Freeman, Jr.

Currently Mr. Bookout serves as supervisory director of Royal Dutch Shell in The Hague, Netherlands. From 1976 to 1988, he served as president and chief executive officer of Shell Oil Co. in Houston, TX. From 1950 to 1976, Mr. Bookout served in several positions including: executive vice president for exploration and production in Houston, TX; president of Shell Canada, Ltd. in Toronto, Canada; and as vice president of New Orleans exploration and production.

Mr. Bookout graduated from the University of Texas at Austin (B.S. and M.A., 1950). He was born December 31, 1922, in Shreveport, LA. Mr. Bookout is married, has three children, and resides in Houston, TX.

Memorandum on Trade With Angola

June 3, 1992

Presidential Determination No. 92–32

Memorandum for the Secretary of State

Subject: Determination Under Section 2(b)(2) of the Export-Import Bank Act of 1945, as Amended: People's Republic of Angola

Pursuant to the authority vested in me by section 2(b)(2)(C) of the Export-Import Bank Act of 1945, as amended (the Act), 12 U.S.C. 635(b)(2)(C), I hereby determine that the People's Republic of Angola has ceased to be a Marxist-Leninist country within the definition of such terms in subparagraph (B)(i) of such section.

You are authorized and directed to report this determination to the Congress and to publish it in the *Federal Register*.

George Bush

Executive Order 12811—Waiver Under the Trade Act of 1974 With Respect to Tajikistan and Turkmenistan

June 24, 1992

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 402(c)(2) of the Trade Act of 1974, as amended ("Act") (19 U.S.C. 2432(c)(2)), which continues to apply to Tajikistan and Turkmenistan pursuant to section 402(d) of the Act, and having made the report to the Congress required by section 402(c)(2) of the Act, I hereby waive the application of sections 402(a) and 402(b) of the Act with respect to Tajikistan and Turkmenistan.

George Bush

The White House,
June 24, 1992.

[*Filed with the Office of the Federal Register, 4:11 p.m., June 24, 1992*]

Note: This Executive order was published in the Federal Register on June 26.

Statement on the Balanced Budget Amendment

June 24, 1992

This morning, I met with Members of the House of Representatives, Republicans and Democrats, who earlier this month voted in favor of a balanced budget constitutional amendment. I thanked them for the courage, vision, and responsibility they displayed supporting the balanced budget constitutional amendment. Their votes demonstrated their willingness to stand up to the special interests who perpetuate the status quo of deficit spending. Their votes show they take seriously the intolerable legacy of debt that future generations will inherit if we do not take prompt action to control Federal spending.

The American people overwhelmingly support a balanced budget constitutional amendment. On June 10, we came within just nine votes of achieving the two-thirds majority needed to pass the amendment in the House of Representatives. We came very close to accomplishing our goal. At a minimum, we created an atmosphere in which the Federal Government is watching more carefully how it spends taxpayers' money.

Now we must act to lay the groundwork for the future. I can and will take the compelling case for a balanced budget constitutional amendment to the American people. I seek a permanent partnership for fiscal responsibility that bears no party label. I plan to work closely with Members of Congress from both parties who support the amendment to find the nine missing votes and then raise the issue again. In every way possible, we will press our fight to restrain Federal spending once and for all.

Statement on the Supreme Court Decision on the *Lee* v. *Weisman* Case

June 24, 1992

I am very disappointed by the Supreme Court's decision in *Lee* v. *Weisman*. The Court said that a simple nondenominational prayer thanking God for the liberty of America at a public school graduation ceremony violates the first amendment. America is a land of religious pluralism, and this is one of our Nation's greatest strengths. While we must remain neutral toward particular religions and protect freedom of conscience, we should not remain neutral toward religion itself. In this case, I believe that the Court has unnecessarily cast away the venerable and proper American tradition of nonsectarian prayer at public celebrations. I continue to believe that this type of prayer should be allowed in public schools.

Nomination of David Heywood Swartz To Be United States Ambassador to Byelarus

June 24, 1992

The President today announced his intention to nominate David Heywood Swartz, of Virginia, to be Ambassador of the United

shall include, with respect to the matters referred to in paragraph
1 regarding—
ade negotiations;
s made in duties and nontariff barriers and other distortions of
United States;
cal concessions obtained;
s in trade agreements (including the incorporation therein of
for import relief and compensation provided therefor);
ension or withdrawal of nondiscriminatory treatment by the United
espect to the products of foreign countries;
ension, modification, withdrawal, suspension, or limitation of pref
ment to exports of developing countries;
sults of actions to obtain the removal of foreign trade restrictions
scriminatory restrictions) against United States exports and the
oreign practices which discriminate against United States service
cluding transportation and tourism) and investment;
asures being taken to seek the removal of other significant foreign
ctions;
the referrals made under section 2171(d)(1)(B) of this title and any
with respect to such referral;
nformation relating to the trade agreements program and to the
entered into thereunder; and
mber of applications filed for adjustment assistance for workers
e number of such applications which were approved, and the extent
stment assistance has been provided under such approved applica

ional trade policy agenda required under paragraph (1)(B) for the
report is submitted shall be in the form of a statement of—
de policy objectives and priorities of the United States for the year
ons therefor;
ions proposed, or anticipated, to be undertaken during the year to
objectives and priorities, including, but not limited to, actions
nder the trade laws and negotiations with foreign countries;
roposed legislation necessary or appropriate to achieve any of such
priorities; and
ogress that was made during the preceding year in achieving the
objectives and priorities included in the statement provided for that
his paragraph.

ent may separately submit any information referred to in subpara
Congress in confidence if the President considers confidentiality

mitting the national trade policy agenda for any year, the President
from the appropriate advisory committees established under section
and shall consult with the appropriate committees of the Congress.
States Trade Representative (hereafter referred to in this section
presentative") and other appropriate officials of the United States
consult periodically with the appropriate committees of the Con
he annual objectives and priorities set forth in each national trade
h respect to—
us and results of the actions that have been undertaken to achieve
s and priorities; and
velopment which may require, or result in, changes to any of such
priorities.

rojection report

r the Congress to be informed of the impact of foreign trade
oeconomic factors on the balance of trade of the United States, the
tive and the Secretary of the Treasury shall jointly prepare and
mmittee on Finance of the Senate and the Committee on Ways and

Means of the House of Representatives (hereafter referred to in this subsection as the "Committee") on or before March 1 of each year a report which consists of—

(A) a review and analysis of—

(i) the merchandise balance of trade,

(ii) the goods and services balance of trade,

(iii) the balance on the current account,

(iv) the external debt position,

(v) the exchange rates,

(vi) the economic growth rates,

(vii) the deficit or surplus in the fiscal budget, and

(viii) the impact on United States trade of market barriers and other unfair practices,

of countries that are major trading partners of the United States, including, as appropriate, groupings of such countries;

(B) projections for each of the economic factors described in subparagraph (A) (except those described in clauses (v) and (viii)) for each of the countries and groups of countries referred to in subparagraph (A) for the year in which the report is submitted and for the succeeding year; and

(C) conclusions and recommendations, based upon the projections referred to in subparagraph (B), for policy changes, including trade policy, exchange rate policy, fiscal policy, and other policies that should be implemented to improve the outlook.

(2) To the extent that subjects referred to in paragraph (1)(A), (B), or (C) are covered in the national trade policy agenda required under subsection (a)(1)(B) of this section or in other reports required by this Act or other law, the Trade Representative and the Secretary of the Treasury may, as appropriate, draw on the information, analysis, and conclusions, if any, in those reports for the purposes of preparing the report required by this subsection.

(3) The Trade Representative and the Secretary of the Treasury shall consult with the Chairman of the Board of Governors of the Federal Reserve System in the preparation of each report required under this subsection.

(4) The Trade Representative and the Secretary of the Treasury may separately submit any information, analysis, or conclusion referred to in paragraph (1) to the Committees in confidence if the Trade Representative and the Secretary consider confidentiality appropriate.

(5) After submission of each report required under paragraph (1), the Trade Representative and the Secretary of the Treasury shall consult with each of the Committees with respect to the report.

(c) ITC reports

The United States International Trade Commission shall submit to the Congress, at least once a year, a factual report on the operation of the trade agreements program.

(As amended Pub.L. 100–418, Title I, § 1641, Aug. 23, 1988, 102 Stat. 1271.)

HISTORICAL AND STATUTORY NOTES

1988 Amendment

Subsec. (a). Pub.L. 100–418, § 1641, added catchline "Annual report on trade agreements program and national trade policy agenda", divided existing provisions into pars. (1) and (2), in par. (1), as so designated, added report deadline of March 1 of each year, designated existing provisions as subpar. (A) and deleted reference to assistance to communities, and added subpar. (B), in par. (2) designated existing provisions as subpars. (A) to (H) and (J) and (K), in subpar. (X) as so designated deleted reference to communities, added subpar. (I), and added par. (3).

Subsec. (b). Pub.L. 100–418, § 1641, added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub.L. 100–418, § 1641, redesignated former subsec. (b) as (c), and in subsec. (c), as so redesignated added catchline "ITC reports" and inserted "United States" before "International".

Legislative History

For legislative history and purpose of Pub.L. 100–418, see 1988 U.S.Code Cong. and Adm. News, p. 1547.

OFFICE OF THE
UNITED STATES TRADE REPRESENTATIVE
WASHINGTON

Cathy Novelli
647-3074

201
File: ~~[illegible]~~
MFN/
Jackson-Vanik

…lication of MFN treatment

…residential authority to waive the emigration requirements for …tension of MFN treatment under Title IV of the Trade Act of … has been extended annually since 1976. Between 1976 and … the waiver authority and the authority to conclude bilateral …de agreements and grant MFN status was used only three …s. MFN treatment was extended to Romania effective August …975; to Hungary effective July 7, 1978; and to the People's Re…ic of China effective February 1, 1980. Waivers were continued …ually for all three countries and all three underlying bilateral …ments were extended, when appropriate, for additional 3-year …ods by Presidential determinations of their satisfactory oper…n.

…n 1988, the President did not exercise the annual waiver author… with respect to Romania, issuing a proclamation on June 28, an…ncing his decision to allow the waiver to expire and to with… MFN treatment in response to the decision by the Govern…nt of Romania to renounce the renewal of MFN subject to the …s of Jackson-Vanik. Romania's MFN status and its eligibility … U.S. Government-supported export credits expired on July 3, … On March 11, 1992, the Department of State issued a state…nt announcing that it had informed the Romanian Government …t the United States was prepared to sign a new bilateral trade …reement in light of Romania's progress toward democratic plu…lism and a market economy and its desire for closer bilateral re…ions. The President issued a waiver from freedom of emigration …uirements for Romania on August 17, 1991, and signed a new …teral trade agreement on April 3, 1992. However, in view of the …cerns raised about the Romanian Government's continued com…ment to democratic reform, House consideration of H.J. Res. … approving the extension of MFN treatment to Romania, was …ated on September 30.

…nce 1989, Presidential authority under Title IV has been used …uently, in response to the collapse of Communist domination in …tern and Central Europe. On October 25, 1989, Hungary became … first country ever found in full compliance with the Title IV …dom of emigration requirements, thereby becoming eligible for …ended MFN status, as long as the trade agreement remained …orce and Hungary remained in full compliance.

…n February 20, 1990, the President issued a waiver for Czecho…akia, making that country eligible to receive U.S. Government …its and credit and investment guarantees. Following Congres…al approval of a trade agreement, MFN treatment was ex…ed to Czechoslovakia on November 17, 1990. The President con…ed the waiver on June 3, 1991, and then issued a determination …October 16 that Czechoslovakia's emigration policies met the …son-Vanik freedom of emigration requirements.

…ctions 1 and 2 of Public Law 102–182, signed on December 4, … provided for full normalization of MFN trading relations with … Hungary and Czechoslovakia, based on findings of their re… for fundamental human rights, policies of free emigration, …he political and economic reforms undertaken by both coun… Section 2 of that law authorized the President to terminate

...r any part of
...riod beginning
...
3(d)(1), struck
...ed the Office of
...Negotiations and
...ns to the Office
...ative.

; 3(d)(1), struck
...ted any individu-
...l Representative
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...on Jan. 3, 1975,
...l consent of the
...ich position, and
...rsonnel employed
...entative for Trade
... to the Office of
...ative.

Minister-Counselor
...t. 6, 1992, 106 Stat.
"Notwithstanding
...upon the request of
...e Secretary of State
...le of Minister-Coun-
...l Officer assigned to
...broad: *Provided fur-*
Commercial Service

officers accorded such diplomatic title at any time shall not exceed twelve[.]"

Similar provisions were contained in the following prior appropriations Acts:

1991—Pub.L. 102-140, Title II, Oct. 28, 1991, 105 Stat. 802.

1990—Pub.L. 101-515, Title I, Nov. 5, 1990, 104 Stat. 2103.

1989—Pub.L. 101-162, Title I, Nov. 21, 1989, 103 Stat. 991.

1988—Pub.L. 100-459, Title I, Oct. 1, 1988, 102 Stat. 2189.

1987—Pub.L. 100-202, § 101(a) [Title I], Dec. 22, 1987, 101 Stat. 1329-3.

Legislative History

For legislative history and purpose of Pub.L. 97-456, see 1982 U.S. Code Cong. and Adm. News, p. 4405. See, also, Pub.L. 98-573, 1984 U.S. Code Cong. and Adm. News, p. 4910; Pub.L. 99-272, 1986 U.S. Code Cong. and Adm. News, p. 42; Pub.L. 99-514, 1986 U.S. Code Cong. and Adm. News, p. 4075; Pub.L. 100-203, 1987 U.S. Code Cong. and Adm. News, p. 2313-1; Pub.L. 100-418, 1988 U.S. Code Cong. and Adm. News, p. 1547; Pub.L. 101-207, 1989 U.S. Code Cong. and Adm. News, p. 1284; Pub.L. 101-382, 1990 U.S. Code Cong. and Adm. News, p. 928.

REORGANIZATION PLANS

REORGANIZATION PLAN NO. 3 of 1979

...1881, as amended Pub.L. 97-195, § 1(c)(6), June 16, 1982, ...L. 97-377, Title 7, § 122, Dec. 21, 1982, 96 Stat. 1918.

...nd transmitted to the ...of Representatives in September 25, 1979, ...sions of chapter 9 of Title 5 of the United States Code [section 901 et seq. of Title 5, Government Organization and Employees].

...N OF FUNCTIONS RELATING TO INTERNATIONAL TRADE

...text of section 1]

...of Commerce

...text of (a) to (c)]

...e Department two addi-
...s appointed by the Pres-
...ivice and consent of the
...tant Secretary shall per-
...rcise such powers as the
...to time prescribe.
the Department of Com-
...l of the United States and
...rvices who shall be ap-
...t, by and with the advice
...te, and shall receive com-
...rescribed by law for level
...schedule. [Added Pub.L. 97-377, Title I, § 122, Dec. 21, 1982, 96 Stat. 1913.]

[See main volume for text of sections 3 and 4]

Section 5. Transfer of Functions

[See main volume for text of (a) and (b)]

(c) There are transferred to the President all functions of the East-West Foreign Trade Board under section 411(c) of the Trade Act of 1974 (19 U.S.C. 2441(c)) [section 2441(c) of this title].

[The reporting functions transferred to the President by this subsection were delegated to the United States Trade Representative by Ex.Ord. No. 12469, March 26, 1984, 49 F.R. 11799, set out as a note under section 2441 of this title.]

[See main volume for (d) and (e); sections 6 to 9]

File: Jackson-Vanik

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 12188

Jan. 2, 1980, 45 F.R. 989, as amended by Ex.Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968

FUNCTIONS RELATING TO INTERNATIONAL TRADE

By the authority vested in me by the Trade Agreements Act of 1979 [section 2501 et seq. of this title], the Trade Act of 1974 [this chapter], the Trade Expansion Act of 1962 [see Short Title note set out under section 1801 of this title], section 350 of the Tariff Act of 1930 [section 1351 of this title], Reorganization Plan No. 3 of 1979 [set out as a note under this section], and section 301 of title 3 of the United States Code [section 301 of Title 3, The President], and as President of the United States, it is hereby ordered as follows:

[See main volume for text of sections 1-101 to 1-103]

Section 1-104. Authority Under the Foreign Service Act and Related Laws.

[See main volume for text of (a)]

(b) [Revoked by Ex.Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968.]

[See main volume for text of (c); sections 1-105 to 1-107]

CODE OF FEDERAL REGULATIONS

Office of U.S. Trade Representative, freedom of information policies and procedures, see 15 CFR 2004.1 et seq.

PART 5—CONGRESSIONAL PROCEDURES WITH RESPECT TO PRESIDENTIAL ACTIONS

§ 2191. Bills implementing trade agreements on nontariff barriers and resolutions approving commercial agreements with Communist countries

[See main volume for text of (a)]

(b) Definitions

For purposes of this section—

(1) The term "implementing bill" means only a bill of either House of Congress which is introduced as provided in subsection (c) of this section with respect to one or more trade agreements submitted to the House of Representatives and the Senate under section 2112 or section 2908(a)(1) of this title and which contains—

[See main volume for text of (A) to (C)]

(2) The term "implementing revenue bill or resolution" means an implementing bill, or approval resolution, which contains one or more revenue measures by reason of which it must originate in the House of Representatives.

(3) The term "approval resolution" means only a joint resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the extension of nondiscriminatory treatment with respect to the products of ______ transmitted by the President to the Congress on ______.", the first blank space being filled with the name of the country involved and the second blank space being filled with the appropriate date.

[See main volume for text of (c) and (d)]

(e) Period for committee and floor consideration

[See main volume for text of (1)]

(2) The provisions of paragraph (1) shall not apply in the Senate to an implementing revenue bill or resolution. An implementing revenue bill or resolution received from the House shall be referred to the appropriate committee or committees of the Senate. If such committee or committees have not reported such bill or resolution at the close of the 15th day after its receipt by the Senate (or, if later, before the close of the 45th day after the corresponding implementing revenue bill or resolution was introduced in the Senate), such committee or committees shall be automatically

discharged from further consideration of such bill or resolution and it shall be placed on the calendar. A vote on final passage of such bill or resolution shall be taken in the Senate on or before the close of the 15th day after such bill or resolution is reported by the committee or committees of the Senate to which it was referred, or after such committee or committees have been discharged from further consideration of such bill or resolution.

[See main volume for text of (3); (f) and (g)]

(As amended Pub.L. 100–418, Title I, § 1107(b)(1), Aug. 23, 1988, 102 Stat. 1135; Pub.L. 101–382, Title I, § 132(b)(2), Aug. 20, 1990, 104 Stat. 645.)

HISTORICAL AND STATUTORY NOTES

1990 Amendment

Pub.L. 101–382, in subsec. (b), in par. (2), inserted provisions relating to resolution, wherever appearing, and in par. (3), substituted provisions relating to joint resolution for provisions relating to concurrent resolution, and in subsec. (e)(2), inserted provisions relating to resolution, wherever appearing.

1988 Amendment

Subsec. (b)(1). Pub.L. 100–418 inserted reference to section 2903(a)(1) of this title.

Effective Date of 1990 Amendment

Amendment by Pub.L. 101–382 effective Aug. 20, 1990, except as otherwise provided for, see section 132(d) of Pub.L. 101–382, set out as a note under section 2432 of this title.

Legislative History

For legislative history and purpose of Pub.L. 100–418, see 1988 U.S.Code Cong. and Adm. News, p. 1547. See, also, Pub.L. 101–382, 1990 U.S. Code Cong. and Adm. News, p. 928.

LAW REVIEW COMMENTARIES

Constitutionality of binational panel review in Canada–U.S. free trade agreement. Gordon A. Christenson and Kimberly Gambrel, 23 Int'l.Law. 401 (1989).

§ 2192. Resolutions disapproving certain actions

(a) Contents of resolutions

(1) For purposes of this section, the term "resolution" means only—

(A) a joint resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the action taken by, or the determination of, the President under section 203 of the Trade Act of 1974 transmitted to the Congress on _______", the blank space being filled with the appropriate date; and

(B) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve _______ transmitted to the Congress on _______", with the first blank space being filled in accordance with paragraph (2), and the second blank space being filled with the appropriate date.

(2) The first blank space referred to in paragraph (1)(B) shall be filled as follows:

(A) in the case of a resolution referred to in section 1303(e) of this title, with the phrase "the termination of the Secretary of the Treasury under section 303(d) of the Tariff Act of 1930"; and

(B) in the case of a resolution referred to in section 2437(c)(2) of this title, with the phrase "the report of the President submitted under section _______ of the Trade Act of 1974 with respect to _______" (with the first blank space being filled with "402(b)" or "409(b)", as appropriate, and the second blank space being filled with the name of the country involved).

[See main volume for text of (b)]

(c) Discharge of committees

(1) If the committee of either House to which a resolution has been referred has not reported it at the end of 30 days after its introduction, not counting any day which is excluded under section 2194(b) of this title, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except that a motion to discharge—

(A) may only be made on the second legislative day ... which the Member making the motion announces to ... do so; and

(B) is not in order after the Committee has reporte... to the same matter.

[See main volume for text of (2); (d) ...

(f) Procedures in the Senate

(1) Except as otherwise provided in this section, the f... apply in the Senate to a resolution to which this section a...

(A)(i) Except as provided in clause (ii), a resolution ... of Representatives shall, when received in the Se... Committee on Finance for consideration in accordanc...

(ii) If a resolution to which this section applies wa... before receipt of a resolution that has passed the Hou... resolution from the House of Representatives shall, wl... be placed on the calendar. If this clause applies, the ... with respect to a resolution introduced in the Senate ... matter as the resolution that passed the House of Re... same as if no resolution had been received from the ... except that the vote on passage in the Senate shall ... passed the House of Representatives.

(B) If the Senate passes a resolution before rece... Representatives a joint resolution that contains the ... resolution shall be held at the desk pending receipt of ... the House of Representatives. Upon receipt of the ... House of Representatives, such joint resolution sha... twice, considered, read the third time, and passed...

(2) If the texts of joint resolutions described in section 2... whichever is applicable, concerning any matter are not ide...

(A) the Senate shall vote passage on the resolution ... and

(B) the text of the joint resolution passed by the S... upon its passage (or, if later, upon receipt of the joint ... House), be substituted for the text of the joint resoluti... Representatives, and such resolution, as amended, ... request for a conference between the two Houses.

(3) Consideration in the Senate of any veto message ... resolution described in subsection (a)(2)(B) of this section ... title, including consideration of all debatable motions a... therewith, shall be limited to 10 hours, to be equally divide... by the majority leader and the minority leader or their d...

(As amended Pub.L. 98–573, Title II, § 248(b), Oct. 30, 1984, 98 Sta... I, § 132(c)(2)–(5), Aug. 20, 1990, 104 Stat. 646, 647.)

Unconstitutionality of Legislative Veto Pro...

The provisions of former section 1254(c)(2) of ... Nationality, which authorized a House of Congre... invalidate an action of the Executive Branch, were ... tional in Immigration and Naturalization Service ... S.Ct. 2764, 462 U.S. 919, 77 L.Ed.2d 317. See simil... section.

HISTORICAL AND STATUTORY NOT...

1990 Amendment

Subsec. (a)(1)(B). Pub.L. 101–382, § 132(c)(2), substituted provisions relating to joint resolution of disapproval for provisions relating to resolution of disapproval by either House, and deleted provisions relating to blank space to be filled with name of resolving House.

Subsec. (a)(2). ... text, preceding sul... relating to first bl... to second blank ... par. (C) as (B), an... provisions referri... title for provision...

...rther consideration of such bill or resolution and it shall be placed ... vote on final passage of such bill or resolution shall be taken in ... before the close of the 15th day after such bill or resolution is ... mmittee or committees of the Senate to which it was referred, or ...tee or committees have been discharged from further consider... ...or resolution.

[See main volume for text of (3); (f) and (g)]

...100–418, Title I, § 1107(b)(1), Aug. 23, 1988, 102 Stat. 1135; Pub.L. 101–382, ...ug. 20, 1990, 104 Stat. 645.)

HISTORICAL AND STATUTORY NOTES

... subsec. (b), in par. (2), ...ting to resolution, wherever ... (3), substituted provisions ...tion for provisions relating ...ion, and in subsec. (e)(2), ...ting to resolution, wherever

...L. 100–418 inserted refer... ...(1) of this title.

Effective Date of 1990 Amendment

Amendment by Pub.L. 101–382 effective Aug. 20, 1990, except as otherwise provided for, see section 132(d) of Pub.L. 101–382, set out as a note under section 2432 of this title.

Legislative History

For legislative history and purpose of Pub.L. 100–418, see 1988 U.S.Code Cong. and Adm. News, p. 1547. See, also, Pub.L. 101–382, 1990 U.S. Code Cong. and Adm. News, p. 928.

LAW REVIEW COMMENTARIES

... binational panel review in ...de agreement. Gordon A. Christenson and Kimberly Gambrel, 23 Int'l.Law. 401 (1989).

...ions disapproving certain actions

...lutions—

...s of this section, the term "resolution" means only—

... resolution of the two Houses of the Congress, the matter after the ...se of which is as follows: "That the Congress does not approve ...en by, or the determination of, the President under section 203 of ...t of 1974 transmitted to the Congress on ______", the blank ...illed with the appropriate date; and

... resolution of the two Houses of Congress, the matter after the ...se of which is as follows: "That the Congress does not approve ...mitted to the Congress on ______", with the first blank space ... accordance with paragraph (2), and the second blank space being ... appropriate date.

...nk space referred to in paragraph (1)(B) shall be filled as follows:

...ase of a resolution referred to in section 1803(e) of this title, with ...he termination of the Secretary of the Treasury under section ...Tariff Act of 1930"; and

... case of a resolution referred to in section 2437(c)(2) of this title, ...se "the report of the President submitted under section ____ of ... of 1974 with respect to ______" (with the first blank space being ...2(b)" or "409(b)", as appropriate, and the second blank space being ... name of the country involved).

[See main volume for text of (b)]

...mmittees

...ittee of either House to which a resolution has been referred has ... the end of 30 days after its introduction, not counting any day ... under section 2194(b) of this title, it is an order to move either to ...mittee from further consideration of the resolution or to discharge ...m further consideration of any other resolution introduced with ...e matter, except that a motion to discharge—

(A) may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his intention to do so; and

(B) is not in order after the Committee has reported a resolution with respect to the same matter.

[See main volume for text of (2); (d) and (e)]

(f) **Procedures in the Senate**

(1) Except as otherwise provided in this section, the following procedures shall apply in the Senate to a resolution to which this section applies:

(A)(i) Except as provided in clause (ii), a resolution that has passed the House of Representatives shall, when received in the Senate, be referred to the Committee on Finance for consideration in accordance with this section.

(ii) If a resolution to which this section applies was introduced in the Senate before receipt of a resolution that has passed the House of Representatives, the resolution from the House of Representatives shall, when received in the Senate, be placed on the calendar. If this clause applies, the procedures in the Senate with respect to a resolution introduced in the Senate that contains the identical matter as the resolution that passed the House of Representatives shall be the same as if no resolution had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the resolution that passed the House of Representatives.

(B) If the Senate passes a resolution before receiving from the House of Representatives a joint resolution that contains the identical matter, the joint resolution shall be held at the desk pending receipt of the joint resolution from the House of Representatives. Upon receipt of the joint resolution from the House of Representatives, such joint resolution shall be deemed to be read twice, considered, read the third time, and passed.

(2) If the texts of joint resolutions described in section 2192 or 2193(a) of this title, whichever is applicable, concerning any matter are not identical—

(A) the Senate shall vote passage on the resolution introduced in the Senate, and

(B) the text of the joint resolution passed by the Senate shall, immediately upon its passage (or, if later, upon receipt of the joint resolution passed by the House), be substituted for the text of the joint resolution passed by the House of Representatives, and such resolution, as amended, shall be returned with a request for a conference between the two Houses.

(3) Consideration in the Senate of any veto message with respect to a joint resolution described in subsection (a)(2)(B) of this section or section 2193(a) of this title, including consideration of all debatable motions and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(As amended Pub.L. 98–573, Title II, § 248(b), Oct. 30, 1984, 98 Stat. 2998; Pub.L. 101–382, Title I, § 132(c)(2)–(5), Aug. 20, 1990, 104 Stat. 646, 647.)

Unconstitutionality of Legislative Veto Provisions

The provisions of former section 1254(c)(2) of Title 8, Aliens and Nationality, which authorized a House of Congress, by resolution, to invalidate an action of the Executive Branch, were declared unconstitutional in Immigration and Naturalization Service v. Chadha, 1983, 103 S.Ct. 2764, 462 U.S. 919, 77 L.Ed.2d 317. See similar provisions in this section.

HISTORICAL AND STATUTORY NOTES

1990 Amendment Subsec. (a)(1)(B). Pub.L. 101–382, § 132(c)(2), substituted provisions relating to joint resolution of disapproval for provisions relating to resolution of disapproval by either House, and deleted provisions relating to blank space to be filled with name of resolving House.

Subsec. (a)(2). Pub.L. 101–382, § 132(c)(3), in text, preceding subpar. (A), substituted provisions relating to first blank space for provisions relating to second blank space, redesignated former subpar. (C) as (B), and as so redesignated, substituted provisions referring to section 2437(c)(2) of this title for provisions referring to section 2437(c)(3) of this title, and struck out former subpar. (B), which related to filling of second blank space with name of country in resolution referred to in section 2437(c)(2) of this title.

Subsec. (c)(1). Pub.L. 101–382, § 132(c)(4), added subpar. (A), and redesignated existing provisions, with minor change, as subpar. (B).

Subsec. (f). Pub.L. 101–382, § 132(c)(5), substituted provisions relating to procedures in the Senate for resolutions under this section, for cases in which texts of joint resolutions vary, and for vetoed resolutions, for provisions requiring, for resolutions under subsec. (a)(1) of this section received from other House, procedure in receiving House to be same as if other House had not sent it, but final vote to be on resolution of other House.

1984 Amendment

Subsec. (a)(1)(A). Pub.L. 98–573 substituted "a joint resolution" for "a concurrent resolution".

Effective Date of 1990 Amendment

Amendment by Pub.L. 101–382 effective Aug. 20, 1990, except as otherwise provided for, see section 132(d) of Pub.L. 101–382, set out as a note under section 2432 of this title.

Effective Date of 1984 Amendment

Amendment by Pub.L. 98–573 effective on the 15th day after Oct. 30, 1984, see section 214(a), (b) of Pub.L. 98–573, set out as a note under section 1304 of this title.

Legislative History

For legislative history and purpose of Pub.L. 98–573, see 1984 U.S.Code Cong. and Adm.News, p. 4910. See, also, Pub.L. 101–382, 1990 U.S. Code Cong. and Adm. News, p. 928.

§ 2193. Resolutions relating to extension of waiver authority under section 402 of the Trade Act of 1974

(a) Contents of resolution

For purposes of this section, the term "resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on ____ with respect to ____.", with the first blank space being filled with the appropriate date, and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the clause beginning with "with respect to" being omitted if the extension of the authority is not approved with respect to any country.

(b) Application of rules of section 2192 of this title; exceptions

(1) Except as provided in this section, the provisions of section 2192 of this title shall apply to resolutions described in subsection (a) of this section.

(2) In applying section 2192(c)(1) of this title, all calendar days shall be counted.

(3) That part of section 2192(d)(2) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting a with-respect-to clause. Debate in the House of Representatives on any amendment to a resolution shall be limited to not more than 1 hour which shall be equally divided between those favoring and those opposing the amendment. A motion in the House to further limit debate on an amendment to a resolution is not debatable.

(4) That part of section 2192(e)(4) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting a with-respect-to clause. The time limit on a debate on a resolution in the Senate under section 2192(e)(2) of this title shall include all amendments to a resolution. Debate in the Senate on any amendment to a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such amendment, the time in opposition thereto shall be controlled by the minority leader or his designee. The majority leader and minority leader may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any amendment. A motion in the Senate to further limit debate on an amendment to a resolution is not debatable.

(c) Consideration of second resolution not in order

It shall not be in order in either the House of Represe consider a resolution with respect to a recommendation section 2432(d) of this title (other than a resolution describe section received from the other House), if that House has respect to the same recommendation.

(d) Procedures relating to conference reports in the Senate

(1) Consideration in the Senate of the conference repor described in subsection (a) of this section, including conside in disagreement (and all amendments thereto), and consi motions and appeals in connection therewith, shall be lir equally divided between, and controlled by, the majority leader or their designees. Debate on any debatable motior conference report shall be limited to 1 hour, to be equa controlled by, the mover and the manager of the conferen

(2) In any case in which there are amendments in dis amendment shall be limited to 30 minutes, to be equall controlled by, the manager of the conference report and t designee. No amendment to any amendment in disagre unless it is a germane amendment.

(As amended Pub.L. 101–382, Title I, § 132(a)(3)–(6), Aug. 20,

HISTORICAL AND STATUTORY NOTI

1990 Amendment

Subsec. (a). Pub.L. 101–382, § 132(a)(3), incorporated former par. (1) into subsec. (a), and as so incorporated, substituted provisions relating to joint resolution for provisions relating to concurrent resolution, provisions relating to congressional approval of extension for provisions relating to congressional disapproval of extension, and provisions relating to clause beginning with "with respect to" for provisions relating to except clause, and struck out former par. (2), which related to resolution of either House disapproving extension of authority generally or with respect to particular country.

Subsec. (b). Pub.L. 101–382, § 132(a)(4), in par. (2), struck out provisions substituting 20 days for 30 days in resolution related to section 2432(d)(4) of this title, and in pars. (3) and (4), struck out provisions relating to except clause in resolutions under subsec. (a)(1) of this section and

provisions identifyi lating to resolution section.

Subsec. (c). Pu stituted provisions section for provisio this section.

Subsec. (d). Pub ed subsec. (d).

Effective Date of 1

Amendment by 20, 1990, except a section 132(d) of Pu under section 2432

Legislative History

For legislative h 101–382, see 1990 News, p. 928.

§ 2194. Special rules relating to Congressional proced

[See main volume for text of (a)

(b) For purposes of sections 2253(c) and 2437(c)(2) of th referred to in such sections shall be computed by excludin

[See main volume for text of (1) and

(As amended Pub.L. 101–382, Title I, § 132(c)(6), Aug. 20, 1990, 10

HISTORICAL AND STATUTORY NOT

1990 Amendment

Subsec. (b). Pub.L. 101–382, struck out provisions referring to section 2437(c)(3) of this title.

Effective Date of 1990 Amendment

Amendment by Pub.L. 101–382 effective Aug. 20, 1990, except as otherwise provided for, see

section 132(d) of P under section 243

Legislative Histor

For legislative 101–382, see 199 News, p. 928.

out former subpar. (B), ... f second blank space with ... olution referred to in sec- ... itle. ... L. 101-382, § 132(c)(4), ... redesignated existing pro- ... nge, as subpar. (B).

101-382, § 132(c)(5), sub- ... ting to procedures in the ... nder this section, for cases ... resolutions vary, and for ... provisions requiring, for ... ec. (a)(1) of this section ... use, procedure in receiving ... other House had not sent ... e on resolution of other ...

Pub.L. 98-573 substituted "a concurrent resolution".

Effective Date of 1990 Amendment

Amendment by Pub.L. 101-382 effective Aug. 20, 1990, except as otherwise provided for, see section 132(d) of Pub.L. 101-382, set out as a note under section 2432 of this title.

Effective Date of 1984 Amendment

Amendment by Pub.L. 98-573 effective on the 15th day after Oct. 30, 1984, see section 214(a), (b) of Pub.L. 98-573, set out as a note under section 1304 of this title.

Legislative History

For legislative history and purpose of Pub.L. 98-573, see 1984 U.S.Code Cong. and Adm.News, p. 4910. See, also, Pub.L. 101-382, 1990 U.S. Code Cong. and Adm. News, p. 928.

...ons relating to extension of waiver authority under section 402 ... rade Act of 1974

...lution

...this section, the term "resolution" means only a joint resolution of ... f Congress, the matter after the resolving clause of which is as ... e Congress does not approve the extension of the authority ... n 402(c) of the Trade Act of 1974 recommended by the President to ... ____ with respect to ____", with the first blank space being ... propriate date, and the second blank space being filled with the ... intries, if any, with respect to which such extension of authority is ... with the clause beginning with "with respect to" being omitted if ... e authority is not approved with respect to any country.

...ules of section 2192 of this title; exceptions

...rovided in this section, the provisions of section 2192 of this title ... lutions described in subsection (a) of this section. ...

... section 2192(c)(1) of this title, all calendar days shall be counted.

... section 2192(d)(2) of this title which provides that no amendment ... not apply to any amendment to a resolution which is limited to ... erting the names of one or more countries or to striking out of ... spect-to clause. Debate in the House of Representatives on any ... esolution shall be limited to not more than 1 hour which shall be ... etween those favoring and those opposing the amendment. A ... se to further limit debate on an amendment to a resolution is not ...

... section 2192(e)(4) of this title which provides that no amendment ... not apply to any amendment to a resolution which is limited to ... erting the names of one or more countries or to striking out or ... spect-to clause. The time limit on a debate on a resolution in the ... tion 2192(e)(2) of this title shall include all amendments to a ... in the Senate on any amendment to a resolution shall be limited ... hour, to be equally divided between, and controlled by, the mover ... of the resolution, except that in the event the manager of the ... or of any such amendment, the time in opposition thereto shall be ... minority leader or his designee. The majority leader and minority ... time under their control on the passage of a resolution, allot ... any Senator during the consideration of any amendment. A ... te to further limit debate on an amendment to a resolution is not ...

(c) Consideration of second resolution not in order

It shall not be in order in either the House of Representatives or the Senate to consider a resolution with respect to a recommendation of the President under section 2432(d) of this title (other than a resolution described in subsection (a) of this section received from the other House), if that House has adopted a resolution with respect to the same recommendation.

(d) Procedures relating to conference reports in the Senate

(1) Consideration in the Senate of the conference report on any joint resolution described in subsection (a) of this section, including consideration of all amendments in disagreement (and all amendments thereto), and consideration of all debatable motions and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(2) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment to any amendment in disagreement shall be received unless it is a germane amendment.

(As amended Pub.L. 101-382, Title I, § 132(a)(3)-(6), Aug. 20, 1990, 104 Stat. 644, 645.)

HISTORICAL AND STATUTORY NOTES

1990 Amendment

Subsec. (a). Pub.L. 101-382, § 132(a)(3), incorporated former par. (1) into subsec. (a), and as so incorporated, substituted provisions relating to joint resolution for provisions relating to concurrent resolution, provisions relating to congressional approval of extension for provisions relating to congressional disapproval of extension, and provisions relating to clause beginning with "with respect to" for provisions relating to except clause, and struck out former par. (2), which related to resolution of either House disapproving extension of authority generally or with respect to particular country.

Subsec. (b). Pub.L. 101-382, § 132(a)(4), in par. (2), struck out provisions substituting 20 days for 30 days in resolution related to section 2432(d)(4) of this title, and in pars. (3) and (4), struck out provisions relating to except clause in resolutions under subsec. (a)(1) of this section and provisions identifying with-respect-to clause as relating to resolutions under subsec. (a)(2) of this section.

Subsec. (c). Pub.L. 101-382, § 132(a)(5), substituted provisions referring to subsec. (a) of this section for provisions referring to subsec. (a)(1) of this section.

Subsec. (d). Pub.L. 101-382, § 132(a)(6), added subsec. (d).

Effective Date of 1990 Amendment

Amendment by Pub.L. 101-382 effective Aug. 20, 1990, except as otherwise provided for, see section 132(d) of Pub.L. 101-382, set out as a note under section 2432 of this title.

Legislative History

For legislative history and purpose of Pub.L. 101-382, see 1990 U.S. Code Cong. and Adm. News, p. 928.

§ 2194. Special rules relating to Congressional procedures

[See main volume for text of (a)]

(b) For purposes of sections 2253(c) and 2437(c)(2) of this title, the 90-day period referred to in such sections shall be computed by excluding—

[See main volume for text of (1) and (2)]

(As amended Pub.L. 101-382, Title I, § 132(c)(6), Aug. 20, 1990, 104 Stat. 647.)

HISTORICAL AND STATUTORY NOTES

1990 Amendment

Subsec. (b). Pub.L. 101-382, struck out provisions referring to section 2437(c)(3) of this title.

Effective Date of 1990 Amendment

Amendment by Pub.L. 101-382 effective Aug. 20, 1990, except as otherwise provided for, see section 132(d) of Pub.L. 101-382, set out as a note under section 2432 of this title.

Legislative History

For legislative history and purpose of Pub.L. 101-382, see 1990 U.S.Code Cong. and Adm. News, p. 928.

PART 6—CONGRESSIONAL LIAISON AND REPORTS

§ 2211. Congressional advisers for trade policy and negotiations

(a) Selection

(1) At the beginning of each regular session of Congress, the Speaker of the House of Representatives, upon the recommendation of the chairman of the Committee on Ways and Means, shall select 5 members (not more than 3 of whom are members of the same political party) of such committee, and the President pro tempore of the Senate, upon the recommendation of the chairman of the Committee on Finance, shall select 5 members (not more than 3 of whom are members of the same political party) of such committee, who shall be designated congressional advisers on trade policy and negotiations. They shall provide advice on the development of trade policy and priorities for the implementation thereof. They shall also be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegations to international conferences, meetings, and negotiating sessions relating to trade agreements.

(2)(A) In addition to the advisers designated under paragraph (1) from the Committee on Ways and Means and the Committee on Finance—

(i) the Speaker of the House may select additional members of the House, for designation as congressional advisers regarding specific trade policy matters or negotiations, from any other committee of the House or joint committee of Congress that has jurisdiction over legislation likely to be affected by such matters or negotiations; and

(ii) the President pro tempore of the Senate may select additional members of the Senate, for designation as congressional advisers regarding specific trade policy matters or negotiations, from any other committee of the Senate or joint committee of Congress that has jurisdiction over legislation likely to be affected by such matters or negotiations.

Members of the House and Senate selected as congressional advisers under this subparagraph shall be accredited by the United States Trade Representative.

(B) Before designating any member under subparagraph (A), the Speaker or the President pro tempore shall consult with—

(i) the chairman and ranking member of the Committee on Ways and Means or the Committee on Finance, as appropriate; and

(ii) the chairman and ranking minority member of the committee from which the member will be selected.

(C) Not more than 3 members (not more than 2 of whom are members of the same political party) may be selected under this paragraph as advisers from any committee of Congress.

(b) Briefing

(1) The United States Trade Representative shall keep each official adviser designated under subsection (a)(1) of this section currently informed on matters affecting the trade policy of the United States and, with respect to possible agreements, negotiating objectives, the status of negotiations in progress, and the nature of any changes in domestic law or the administration thereof which may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, such agreement.

(2) The United States Trade Representative shall keep each official adviser designated under subsection (a)(2) of this section currently informed regarding the trade policy matters and negotiations with respect to which the adviser is designated.

(3)(A) The chairmen of the Committee on Ways and Means and the Committee on Finance may designate members (in addition to the official advisers under subsection (a)(1) of this section) and staff members of their respective committees who shall have access to the information provided to official advisers under paragraph (1).

(B) The Chairman of any committee of the House or Senate or any joint committee of Congress from which official advisers are selected under subsection (a)(2) of this section may designate other members of such committee, and staff members of

such committee, who shall have access to the informat[ion provided to official] advisers under paragraph (2).

(c) Committee consultation

The United States Trade Representative shall consult on [a regular basis with] the Committee on Ways and Means of the House of Represe[ntatives], on Finance of the Senate, and the other appropriate commi[ttees of the] Senate on the development, implementation, and adminis[tration of the trade] policy of the United States. Such consultations shall includ[e] the following elements of such policy:

(1) The principal multilateral and bilateral negotiat[ions] ... progress being made toward their achievement.

(2) The implementation, administration, and effective[ness of] ... multilateral and bilateral trade agreements and reso[lutions].

(3) The actions taken, and proposed to be taken, und[er] ... United States and the effectiveness, or anticipated effec[tiveness] ... in achieving trade policy objectives.

(4) The important developments and issues in other ... there must be developed proper policy response.

When necessary, meetings shall be held with each Committe[e] ... review matters under negotiation.

(As amended Pub.L. 100–418, Title I, § 1632, Aug. 23, 1988, 102 Sta[t.] ...)

HISTORICAL AND STATUTORY NOTE[S]

1988 Amendment ... Pub.L. 100–418, § 1632, substituted provisions relating to Congressional advisers for trade policy and negotiations for similar provisions which related to Congressional delegates to negotiations, expanded provisions relating to briefing of official advisers and added [provisions relating to consulta]tion with Congressio[nal committees].

Legislative History

For legislative his[tory and purpose of Pub.L.] 100–418, see 1988 [U.S. Code Cong. and Adm.] News, p. 1547.

§ 2212. Transmission of agreements to Congress

(a) As soon as practicable after a trade agreement enter[ed into under section] 2134 of this title or under section 1102 of the Omnibus Tra[de and Competitiveness] Act of 1988 has entered into force with respect to the Unite[d States, the President] shall, if he has not previously done so, transmit a copy of s[uch agreement to] each House of the Congress together with a statement, in t[he light of the advice of] the International Trade Commission under section 2151(b) of [this title, if any, and of] other relevant considerations, of his reasons for enterin[g into the agreement].

[See main volume for text of (b)]

(As amended Pub.L. 100–647, Title IX, § 9001(a)(10), Nov. 10, 1988, ...)

HISTORICAL AND STATUTORY NOTE[S]

1988 Amendment

Subsec. (a). Pub.L. 100–647, § 9001(a)(10), struck out "part 1 of this subchapter or" following "entered into under", and added "or under section 2902 of this title" following "2134 of this title".

Legislative History

For legislative his[tory and purpose of Pub.L.] 100–647, see 1988 [U.S. Code Cong. and Adm.] News, p. 4515.

§ 2213. Reports

(a) Annual report on trade agreements program and national tra[de policy agenda]

(1) The President shall submit to the Congress during eac[h year (not] later than March 1 of that year) a report on—

(A) the operation of the trade agreements progra[m, and the provision of] import relief and adjustment assistance to workers and f[irms] ... during the preceding calendar year; and

(B) the national trade policy agenda for the year ... submitted.

PART 6—CONGRESSIONAL LIAISON AND REPORTS

ional advisers for trade policy and negotiations

ning of each regular session of Congress, the Speaker of the :atives, upon the recommendation of the chairman of the Commit- Means, shall select 5 members (not more than 3 of whom are ıme political party) of such committee, and the President pro ate, upon the recommendation of the chairman of the Committee elect 5 members (not more than 3 of whom are members of the ty) of such committee, who shall be designated congressional olicy and negotiations. They shall provide advice on the develop y and priorities for the implementation thereof. They shall also e United States Trade Representative on behalf of the President to the United States delegations to international conferences otiating sessions relating to trade agreements.

on to the advisers designated under paragraph (1) from the ys and Means and the Committee on Finance—

ker of the House may select additional members of the House, for congressional advisers regarding specific trade policy matters or from any other committee of the House or joint committee of has jurisdiction over legislation likely to be affected by such gotiations; and

sident pro tempore of the Senate may select additional members of or designation as congressional advisers regarding specific trade or negotiations, from any other committee of the Senate or joint Congress that has jurisdiction over legislation likely to be affected rs or negotiations.

House and Senate selected as congressional advisers under this ll be accredited by the United States Trade Representative.

gnating any member under subparagraph (A), the Speaker or the pore shall consult with—

rman and ranking member of the Committee on Ways and Means ttee on Finance, as appropriate; and

irman and ranking minority member of the committee from which vill be selected.

ıan 3 members (not more than 2 of whom are members of the same y be selected under this paragraph as advisers from any commi

States Trade Representative shall keep each official adviser subsection (a)(1) of this section currently informed on matters de policy of the United States and, with respect to possible tiating objectives, the status of negotiations in progress, and the nges in domestic law or the administration thereof which may be Congress to carry out any trade agreement or any requirement of recommendation under, such agreement.

States Trade Representative shall keep each official adviser subsection (a)(2) of this section currently informed regarding the rs and negotiations with respect to which the adviser is designated.

irmen of the Committee on Ways and Means and the Committee on gnate members (in addition to the official advisers under subsection ion) and staff members of their respective committees who shall e information provided to official advisers under paragraph (1)

nan of any committee of the House or Senate or any joint commi rom which official advisers are selected under subsection (a)(2) of designate other members of such committee, and staff members of

such committee, who shall have access to the information provided to official advisers under paragraph (2).

(c) **Committee consultation**

The United States Trade Representative shall consult on a continuing basis with the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the other appropriate committees of the House and Senate on the development, implementation, and administration of overall trade policy of the United States. Such consultations shall include, but are not limited to, the following elements of such policy:

(1) The principal multilateral and bilateral negotiating objectives and the progress being made toward their achievement.

(2) The implementation, administration, and effectiveness of recently concluded multilateral and bilateral trade agreements and resolution of trade disputes.

(3) The actions taken, and proposed to be taken, under the trade laws of the United States and the effectiveness, or anticipated effectiveness, of such actions in achieving trade policy objectives.

(4) The important developments and issues in other areas of trade for which there must be developed proper policy response.

When necessary, meetings shall be held with each Committee in executive session to review matters under negotiation.

(As amended Pub.L. 100–418, Title I, § 1632, Aug. 23, 1988, 102 Stat. 1269.)

HISTORICAL AND STATUTORY NOTES

1988 Amendment. Pub.L. 100–418, § 1632, substituted provisions relating to Congressional advisers for trade policy and negotiations for similar provisions which related to Congressional delegates to negotiations, expanded provisions relating to briefing of official advisers and added provisions requiring consultation with Congressional committees.

Legislative History. For legislative history and purpose of Pub.L. 100–418, see 1988 U.S.Code Cong. and Adm. News, p. 1547.

§ 2212. Transmission of agreements to Congress

(a) As soon as practicable after a trade agreement entered into section 2133 or 2134 of this title or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988 has entered into force with respect to the United States, the President shall, if he has not previously done so, transmit a copy of such trade agreement to each House of the Congress together with a statement, in the light of the advice of the International Trade Commission under section 2151(b) of this title, if any, and of other relevant considerations, of his reasons for entering into the agreement.

[See main volume for text of (b)]

(As amended Pub.L. 100–647, Title IX, § 9001(a)(10), Nov. 10, 1988, 102 Stat. 3807.)

HISTORICAL AND STATUTORY NOTES

1988 Amendment. Subsec. (a). Pub.L. 100–647, § 9001(a)(10), struck out "part 1 of this subchapter or" following "entered into under"; and added "or under section 2902 of this title" following "2134 of this title".

Legislative History. For legislative history and purpose of Pub.L. 100–647, see 1988 U.S.Code Cong. and Adm. News, p. 4515.

§ 2213. Reports

(a) **Annual report on trade agreements program and national trade policy agenda**

(1) The President shall submit to the Congress during each calendar year (but not later than March 1 of that year) a report on—

(A) the operation of the trade agreements program, and the provision of import relief and adjustment assistance to workers and firms, under this chapter during the preceding calendar year; and

(B) the national trade policy agenda for the year in which the report is submitted.

(2) The report shall include, with respect to the matters referred to in paragraph (1)(A), information regarding—

(A) new trade negotiations;

(B) changes made in duties and nontariff barriers and other distortions of trade of the United States;

(C) reciprocal concessions obtained;

(D) changes in trade agreements (including the incorporation therein of actions taken for import relief and compensation provided therefor);

(E) the extension or withdrawal of nondiscriminatory treatment by the United States with respect to the products of foreign countries;

(F) the extension, modification, withdrawal, suspension, or limitation of preferential treatment to exports of developing countries;

(G) the results of actions to obtain the removal of foreign trade restrictions (including discriminatory restrictions) against United States exports and the removal of foreign practices which discriminate against United States service industries (including transportation and tourism) and investment;

(H) the measures being taken to seek the removal of other significant foreign import restrictions;

(I) each of the referrals made under section 2171(d)(1)(B) of this title and any action taken with respect to such referral;

(J) other information relating to the trade agreements program and to the agreements entered into thereunder; and

(K) the number of applications filed for adjustment assistance for workers and firms, the number of such applications which were approved, and the extent to which adjustment assistance has been provided under such approved applications.

(3)(A) The national trade policy agenda required under paragraph (1)(B) for the year in which a report is submitted shall be in the form of a statement of—

(i) the trade policy objectives and priorities of the United States for the year, and the reasons therefor;

(ii) the actions proposed, or anticipated, to be undertaken during the year to achieve such objectives and priorities, including, but not limited to, actions authorized under the trade laws and negotiations with foreign countries;

(iii) any proposed legislation necessary or appropriate to achieve any of such objectives or priorities; and

(iv) the progress that was made during the preceding year in achieving the trade policy objectives and priorities included in the statement provided for that year under this paragraph.

(B) The President may separately submit any information referred to in subparagraph (A) to the Congress in confidence if the President considers confidentiality appropriate.

(C) Before submitting the national trade policy agenda for any year, the President shall seek advice from the appropriate advisory committees established under section 2155 of this title and shall consult with the appropriate committees of the Congress.

(D) The United States Trade Representative (hereafter referred to in this section as the "Trade Representative") and other appropriate officials of the United States Government shall consult periodically with the appropriate committees of the Congress regarding the annual objectives and priorities set forth in each national trade policy agenda with respect to—

(i) the status and results of the actions that have been undertaken to achieve the objectives and priorities; and

(ii) any development which may require, or result in, changes to any of such objectives or priorities.

(b) Annual trade projection report

(1) In order for the Congress to be informed of the impact of foreign trade barriers and macroeconomic factors on the balance of trade of the United States, the Trade Representative and the Secretary of the Treasury shall jointly prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and

Means of the House of Representatives (hereafter referred the "Committee") on or before March 1 of each year a rep

(A) a review and analysis of—

(i) the merchandise balance of trade,

(ii) the goods and services balance of trade,

(iii) the balance on the current account,

(iv) the external debt position,

(v) the exchange rates,

(vi) the economic growth rates,

(vii) the deficit or surplus in the fiscal budget, a

(viii) the impact on United States trade of mar unfair practices,

of countries that are major trading partners of the Unit appropriate, groupings of such countries;

(B) projections for each of the economic factors des (A) (except those described in clauses (v) and (viii)) for e groups of countries referred to in subparagraph (A) fo report is submitted and for the succeeding year; and

(C) conclusions and recommendations, based upon the in subparagraph (B), for policy changes, including trad policy, fiscal policy, and other policies that should be i the outlook.

(2) To the extent that subjects referred to in paragraph covered in the national trade policy agenda required under su section or in other reports required by this Act or other law, tive and the Secretary of the Treasury may, as appropriate, d analysis, and conclusions, if any, in those reports for the pu report required by this subsection.

(3) The Trade Representative and the Secretary of the Tre the Chairman of the Board of Governors of the Federal preparation of each report required under this subsection.

(4) The Trade Representative and the Secretary of the Tr submit any information, analysis, or conclusion referred to Committees in confidence if the Trade Representative and confidentiality appropriate.

(5) After submission of each report required under pa Representative and the Secretary of the Treasury shall co Committees with respect to the report.

(c) ITC reports

The United States International Trade Commission shall s at least once a year, a factual report on the operation of program.

(As amended Pub.L. 100–418, Title I, § 1641, Aug. 23, 1988, 102 St

HISTORICAL AND STATUTORY NOTES

1988 Amendment

Subsec. (a). Pub.L. 100–418, § 1641, added catchline "Annual report on trade agreements program and national trade policy agenda", divided existing provisions into pars. (1) and (2), in par. (1), as so designated, added report deadline of March 1 of each year, designated existing provisions as subpar. (A) and deleted reference to assistance to communities, and added subpar. (B), in par. (2) designated existing provisions as subpars. (A) to (H) and (J) and (K), in subpar. (X) as so designated deleted, reference to communities, added subpar. (I), and added par. (3).

Subsec. (b). Pub subsec. (b). Former

Subsec. (c). Pub. nated former subsec. as so redesignated a and inserted "United al".

Legislative History

For legislative his 100–418, see 1988 News, p. 1547.

United States Department of State

Washington, D.C. 20520

February 3, 1998

Jonathan W. Haddon
Assistant General Counsel
Overseas Private Investment Corporation
1100 New York Avenue, N.W.
Washington, D.C. 20527-0001

Dear Jon:

Thank you for your letter dated February 3, 1998. This is to confirm that this office does not have a legal objection to OPIC's proposal to treat section 620G of the Foreign Assistance Act as not preventing it from conducting programs in cases where the direct beneficiaries of OPIC assistance funded or otherwise provided pursuant to Public Law 105-118 are required by law to be U.S. entities.

As we have discussed, any policy consideration regarding the advisability of relying on this approach in particular circumstances should be discussed separately as the need arises among the relevant offices.

Sincerely,

Todd F. Buchwald
Assistant Legal Adviser
Office of Political-Military Affairs

OPIC Overseas Private Investment Corporation

1100 New York Avenue, N.W.
Washington, D.C. 20527-0001
(202) 336-8400
FAX (202) 408-9859

February 2, 1998

By Fax to 736-7620

Todd Buchwald
Assistant Legal Adviser
United States Department of State
Washington, D.C. 20520

Foreign Assistance Act Section 620G

Dear Todd:

In the context of considering legal obstacles that might affect the programs of the Overseas Private Investment Corporation ("OPIC") in countries that may be covered by Section 620G of the Foreign Assistance Act ("Section 620G"), I am writing to advise you of the approach that OPIC plans to take with respect to implementation of Section 620G.

Statutory Background

Section 620G, enacted in 1996, requires the President to "withhold assistance under [the Foreign Assistance] Act to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under Section 620A." Section 620G also provides a procedure for a Presidential waiver to take effect following (i) a Presidential determination that the assistance to be provided "is important to the national interests of the United States" and (ii) furnishing a report to "the appropriate committees of Congress" not later than 15 days before obligating such assistance containing the information described in Section 620G(b).

Nature of OPIC Programs

OPIC's mandate, as set forth in Section 231 of the Foreign Assistance Act, is to "mobilize and facilitate the participation of United States private capital and skills in the economic and social development of less developed countries and areas, and countries in transition from nonmarket to market economies, thereby complementing the development assistance objectives of the United States."

There have from time to time been questions about the extent to which restrictions such as those contained in Section 620G should be interpreted as applying to OPIC programs in support of activities in which state-owned entities have substantial roles. Such issues have, for instance, arisen in connection with consideration of OPIC activities in Azerbaijan and the restrictions

February 2, 1998

under Section 907 of the Freedom Support Act (Public Law 102-511), which prohibits "assistance" to the government of Azerbaijan until certain conditions are met.

In this connection, the House and Senate conferees for the bill that became Public Law 105-118 included language in the statement of managers that was intended to clarify that certain activities funded under that Act of the type in which OPIC participates are not considered to be assistance to a foreign country or government. Specifically, the conferees noted that:

> "[i]t is the intent of the conferees that in the case of any assistance funded or otherwise provided pursuant to this Act, the direct beneficiaries of which are required by law to be United States entities (e.g., in which guaranties or insurance are provided to U.S. entities), such assistance shall not be considered assistance to a foreign country or government, and therefore is not covered by restrictions on such assistance."

In our view, this same logic would apply not only to Azerbaijan but to restrictions such as Section 620G on assistance to foreign countries or governments. In the majority of cases, the direct beneficiaries to OPIC assistance are required by law to be United States entities. Following the conferees' approach, OPIC assistance in those cases should not be considered assistance to a foreign country or government, and therefore should not be covered by restrictions on such assistance.

Application on Section 620G

As we have discussed, the OPIC Office of General Counsel has concluded that the conferees' approach is an appropriate one, and OPIC intends to follow it in determining how—and whether—Section 620G should be applied to OPIC programs. Accordingly, OPIC does not plan to treat Section 620G as preventing it from conducting programs in cases where the direct beneficiaries of OPIC assistance are required by law to be United States entities. For other cases -- primarily consisting of direct loans, where the beneficiary is not required by law to be a U.S. entity -- OPIC plans to determine the applicability of Section 620G on a case-by-case basis, and we would be happy to discuss such cases further with your office if and when the need arises.

We would appreciate your confirmation that you do not have a legal objection to the approach OPIC plans to take, as described above. I understand that the Department of State will advise OPIC separately whether Section 620G applies in the case of particular countries and whether any applicable waiver has been issued.

Best regards.

Sincerely,

Jon Haddon

Jonathan W. Haddon
Assistant General Counsel

cc: Ms. Marie Huhtala
Director, EAP/BCLTV
U.S. Department of State

J. Baker @ Legal:
Attached for your preliminary review is ~~the~~ an advance copy of the J-V package we will be getting from State.

J. Gagnon

WASHFAX RECEIPT
DEPARTMENT OF STATE

B

S/S #

C

MESSAGE NO. 005763 CLASSIFICATION ~~CONFIDENTIAL~~ No. Pages 31 (+cover)

FROM: WOLFF, Alex (Officer name) | S/S (Office symbol) | 7-8448 (Extension) | 7224 (Room number)

MESSAGE DESCRIPTION Draft Memorandum on Clearance of Jackson-Vanik Waiver Documents

TO: (Agency)	DELIVER TO:	Extension	Room No.
NSC	Sandy Kristoff	6-9251	WHSITRM

FOR: CLEARANCE [X] INFORMATION [ ] PER REQUEST [ ] COMMENT [ ]

REMARKS: Sandy - An advance for your consideration,

S/S Officer: [signature]

PGN

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Don Coleman to D. Pittman et al. re: Clearance on Jackson-Vanik Waiver Documents (2 pages)	01/14/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Mary Derosa)
OA/Box Number: 3507

FOLDER TITLE:

Jackson-Vanik (Vietnam) [1]

2014-1060-F
kh1412

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]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. memo	Charles Kartman to Secretary of State Madeleine Albright re: Waiving Jackson-Vanik for Vietnam (5 pages)	01/08/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Mary Derosa)
OA/Box Number: 3507

FOLDER TITLE:

Jackson-Vanik (Vietnam) [1]

2014-1060-F
kh1412

RESTRICTION CODES

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

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. memo	Charles Kartman to Secretary of State Madeleine Albright re: Waiving Jackson-Vanik for Vietnam; incomplete copy (1 page)	01/08/1998	P1/b(1)

COLLECTION:
Clinton Presidential Records
National Security Council
Legal Advisor (Mary Derosa)
OA/Box Number: 3507

FOLDER TITLE:
Jackson-Vanik (Vietnam) [1]

2014-1060-F
kh1412

RESTRICTION CODES

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

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Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. memo	Secretary of State Madeleine Albright to President William J. Clinton re: Granting a Waiver of the Jackson-Vanik Amendment for Vietnam (3 pages)	12/08/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Mary Derosa)
OA/Box Number: 3507

FOLDER TITLE:

Jackson-Vanik (Vietnam) [1]

2014-1060-F
kh1412

RESTRICTION CODES

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12

DRAFT

Presidential Determination
No. ____________________

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination under Section 402(c)(2)(A) of the Trade Act of 1974 -- Vietnam

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978) as amended (the "Act") I determine that a waiver by Executive Order of the application of subsections (a) and (b) of section 402 of the Act with respect to Vietnam will substantially promote the objectives of section 402.

On my behalf, please transmit this Determination to the Speaker of the House and to the President of the Senate.

This Determination shall be published in the Federal Register.

The White House

DRAFT

13

DRAFT

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402 (c)(2) of the Trade Act of 1974 with respect to a waiver of the application of subsections 402(a) and (b) of that Act to Vietnam.

I report in that document my Determination that such a waiver will substantially promote the objectives of section 402. I have instructed the Secretary of State to provide a copy of that Determination to the Speaker of the House and the President of the Senate. The report also indicates that I have received the assurances with respect to the emigration practices of Vietnam required by section 402(c)(2)(B) of the Act.

The White House

DRAFT

(14)

DRAFT

Report to the Congress Concerning a Waiver of Subsections 402 (a) and (b) of the Trade Act of 1974 -- Vietnam

To the Congress of the United States:

Pursuant to subsection 402(c)(2) of the Trade Act of 1974, (hereinafter the "Act") I shall issue today an Executive Order waiving the application of subsections (a) and (b) of section 402 of the Act with respect to Vietnam.

I wish to report to the Congress that I have determined that the requirements of subsections 402(c)(2)(A) and (B) of the Act have been satisfied.

The White House

DRAFT

(15)

DRAFT

EXECUTIVE ORDER

WAIVER UNDER THE TRADE ACT OF 1974 WITH RESPECT TO VIETNAM

By virtue of the authority vested in my as President of the United States of America by subsection 402(c)(2) of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended, which continues to apply to Vietnam pursuant to subsection 402(d), and having made the report to the Congress required by subsection 402(c)(2), I hereby waive the application of subsections (a) and (b) of section 402 of said Act with respect to Vietnam.

DRAFT

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. memo	Charles Kartman to Secretary of State Madeleine Albright re: Removal of Prohibition on Foreign Assistance for Vietnam (3 pages)	01/15/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Mary Derosa)
OA/Box Number: 3507

FOLDER TITLE:

Jackson-Vanik (Vietnam) [1]

2014-1060-F
kh1412

RESTRICTION CODES

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

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19

DRAFT

Determination under Section 620(f)
of the
Foreign Assistance Act of 1961, as amended

Pursuant to Section 620(f)(2) of the Foreign Assistance Act (22 U.S.C. 2370(f)(2)), and Section 1-201(a)(10) of Executive Order No. 12163, as amended, I hereby determine that the removal of Vietnam from the application of Section 620(f) of the Foreign Assistance Act is important to the national interest of the United States. I therefore direct that Vietnam be henceforth removed, for an indefinite period, from the application of Section 620(f) of the Foreign Assistance Act.

This determination shall be reported to the Congress immediately and published in the Federal Register.

Date	Madeleine Albright

DRAFT

DRAFT

(20)

Dear Mr. Chairman:

Section 620(f) of the Foreign Assistance Act authorizes the President to remove a Communist country from ineligibility to receive assistance under the Foreign Assistance Act if the President determines and reports to the Congress that such action is important to the national interest of the United States. The President's authority to make such determinations has been delegated to the Secretary of State pursuant to Section 1-201(a)(10) of Executive Order No. 12163 of September 29, 1979, as amended. We wish to advise that, pursuant to these authorities, the Secretary of State has determined that it is important to the national interest to remove Vietnam from the application of Section 620(f). I enclose a copy of the Secretary's determination and justification.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosures:
As stated.

The Honorable
Benjamin A. Gilman,
Chairman, Committee on International Relations,
House of Representatives.

DRAFT

DRAFT

21

Dear Mr. Chairman:

Section 620(f) of the Foreign Assistance Act authorizes the President to remove a Communist country from ineligibility to receive assistance under the Foreign Assistance Act if the President determines and reports to the Congress that such action is important to the national interest of the United States. The President's authority to make such determinations has been delegated to the Secretary of State pursuant to Section 1-201(a)(10) of Executive Order No. 12163 of September 29, 1979, as amended. We wish to advise that, pursuant to these authorities, the Secretary of State has determined that it is important to the national interest to remove Vietnam from the application of Section 620(f). I enclose a copy of the Secretary's determination and justification.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosures:
As stated.

The Honorable
Jesse Helms,
Chairman, Committee on Foreign Relations,
United States Senate.

DRAFT

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. report	Justification for Waiving the Prohibition on Assistance to Communist Countries (2 pages)	01/20/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Mary Derosa)
OA/Box Number: 3507

FOLDER TITLE:

Jackson-Vanik (Vietnam) [1]

2014-1060-F
kh1412

RESTRICTION CODES

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Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. memo	Secretary of State Madeleine Albright to President William J. Clinton re: Granting a Waiver of the Jackson-Vanik Amendment for Vietnam; duplicate of 004 (2 pages)	12/08/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Mary Derosa)
OA/Box Number: 3507

FOLDER TITLE:

Jackson-Vanik (Vietnam) [1]

2014-1060-F
kh1412

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Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. memo	Charles Kartman to Secretary of State Madeleine Albright re: Removal of Prohibition on Foreign Assistance for Vietnam (3 pages)	01/12/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Mary Derosa)
OA/Box Number: 3507

FOLDER TITLE:

Jackson-Vanik (Vietnam) [1]

2014-1060-F
kh1412

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. memo	Secretary of State Madeleine Albright to President William J. Clinton re: Vietnam's Eligibility for U.S. Export-Import Bank Programs (2 pages)	01/12/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Mary Derosa)
OA/Box Number: 3507

FOLDER TITLE:

Jackson-Vanik (Vietnam) [1]

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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]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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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_________________, 19__

Presidential Determination
No. _________________

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination under Subsection 2(b)(2) (D) of the Export-Import Bank Act of 1945, as Amended -- Vietnam

Pursuant to Subsection 2(b)(2) (D) of the Export-Import Bank Act of 1945, as amended, I determine that it is in the national interest for the Export-Import Bank of the United States to guarantee, insure, extend credit and participate in the extension of credit in connection with the purchase or lease of any product or service by, for use in, or for sale or lease to Vietnam.

On my behalf, please transmit this determination to the Speaker of the House and to the President of the Senate.

This Determination shall be published in the Federal Register.

The White House

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