

FOIA MARKER

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Folder Title: Jackson-Vanik (Vietnam) [3]				
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	Secretary of State Madeleine Albright to President William J. Clinton re: Vietnam's Eligibility for U.S. Export-Import Bank Programs (2 pages)	02/23/1998	P1/b(1)
002. memo	Strobe Talbott to President William J. Clinton re: Granting a Waiver of the Jackson-Vanik Amendment for Vietnam (3 pages)	02/03/1998	P1/b(1)
003. memo	Stanley Roth to Secretary of State Madeleine Albright re: Removal of Prohibition on Import-Export Bank Programs in 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) [3]

2014-1060-F

kh1414

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]

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

0793 Redo

February 26, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: SANDRA J. KRISTOFF *SJK*

FROM: JAMES M. GAGNON *JMG*

SUBJECT: Response to Letters Opposing the Jackson-Vanik
Waiver for Vietnam

John Sommer, Executive Director of the American Legion; Ann Mills Griffiths, Executive Director of the National League of Families of American Prisoners and Missing in Southeast Asia; and Jake Alarid, National Commander of the American GI Forum of the United States, wrote the President opposing the non-MFN Jackson-Vanik waiver for Vietnam. The President's reply reviews our policy and reaffirms that achieving the fullest possible accounting for our POW/MIA's remains our top priority.

Concurrences by: *SB for* Eric Schwartz, *JB* Joe Bouchard, *NK for* James Baker

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum to the President
Tab A Letters to John Sommer, Ann Mills Griffiths,
and Jake Alarid
Tab B Incoming Correspondence

THE WHITE HOUSE
WASHINGTON

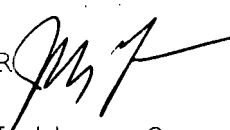
March 23, 1998

98 MAR 23 4:11:14

ACTION

4-6-98

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER 
SUBJECT: Response to Letters Opposing the Jackson-Vanik
Waiver for Vietnam

Purpose

To reply to letters from John Sommer, Ann Mills Griffiths, and Jake Alarid on Vietnam policy.

Background

The Executive Director of the American Legion, John F. Sommer, Jr.; Ann Mills Griffiths, Executive Director of the National League of Families of American Prisoners and Missing in Southeast Asia; and Jake Alarid, National Commander of the American GI Forum of the United States, wrote separately urging that we withhold the Jackson-Vanik waiver for Vietnam until that government has provided unfettered freedom of emigration, accounted for additional information on POW/MIA's and improved its human rights record.

Your proposed reply expresses your belief that the non-MFN Jackson-Vanik waiver will promote further emigration freedoms, affirms that POW/MIA accounting remains our priority objective with Vietnam and notes we will press for human rights improvements through our human rights dialogue with Hanoi.

RECOMMENDATION

That you sign the letters at Tab A.

Attachments

Tab A Letter to John Sommer, Ann Mills Griffiths,
and Jake Alarid
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

April 6, 1998

Dear Mr. Alarid:

Thank you for your letter regarding a Jackson-Vanik waiver to Vietnam. I understand your concerns about moving forward with the waiver, but I believe this course is the right one and will help us advance our objectives with Vietnam.

First, I want to assure you that achieving the fullest possible accounting for our POW/MIA's remains the top priority in our bilateral relations with Vietnam. I am fully committed to this effort and will exhaust every possible lead to determine the fate of those still unaccounted for from the Vietnam War. Vietnam's cooperation in our efforts has improved significantly over the past several years and this cooperation has enabled us to take incremental steps to normalize our relations in other areas.

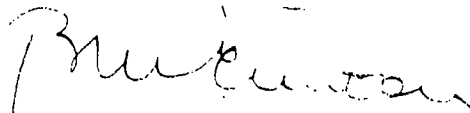
Similarly, I share the importance you attach to Vietnam's policy on emigration. Through the efforts of Ambassador Pete Peterson, Vietnam agreed to revise emigration regulations, which allowed the U.S. Immigration and Naturalization Service (INS) to expedite interviews of Vietnamese eligible for the Resettlement Opportunity for Vietnamese Returnee (ROVR) program. The change has increased significantly the number of ROVR candidates being processed by the INS. The Vietnamese authorities have located and approved for interview 14,000 of the estimated 18,000 persons we believe are eligible to participate in ROVR. Vietnam also has established a solid record in its implementation of the Orderly Departure and AMERASIAN programs. The Jackson-Vanik waiver will build on this momentum and encourage the Vietnamese government to take further steps toward implementing a system that offers its people the opportunity to emigrate freely. We will, of course, continue to press the Vietnamese for an

accounting of those not presented for interview under the ROVR program and for speedy processing of those approved for immigration to the United States by the INS. Finally, there will be an annual review of all countries receiving Jackson-Vanik waivers, including Vietnam, in June 1998. At that time, we will examine closely Vietnam's emigration policies and practices.

The State Department's latest human rights report shines a spotlight on Vietnam's poor record in this area. This issue is a critical item on our agenda with Vietnam and Ambassador Peterson has initiated a formal human rights dialogue with Vietnamese officials to prompt greater respect by the government for the rights of its citizens, including the release of political and religious prisoners. We will continue to press for improvements.

Thank you again for writing on this very important issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peterson", is written in dark ink.

Mr. Jake I. Alarid
National Commander
American GI Forum of the United States
National Veterans Family Organization
11212 Archway Drive
Whittier, California 90604

THE WHITE HOUSE

WASHINGTON

April 6, 1998

Dear Ms. ~~Am~~ Griffiths:

Thank you for your letter regarding a Jackson-Vanik waiver to Vietnam. I understand your concerns about moving forward with the waiver, but I believe this course is the right one and will help us advance our objectives with Vietnam.

First, I want to assure you that achieving the fullest possible accounting for our POW/MIA's remains the top priority in our bilateral relations with Vietnam. I am fully committed to this effort and will exhaust every possible lead to determine the fate of those still unaccounted for from the Vietnam War. Vietnam's cooperation in our efforts has improved significantly over the past several years and this cooperation has enabled us to take incremental steps to normalize our relations in other areas.

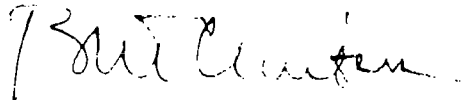
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The State Department's latest human rights report shines a spotlight on Vietnam's poor record in this area. This issue is a critical item on our agenda with Vietnam and Ambassador Peterson has initiated a formal human rights dialogue with Vietnamese officials to prompt greater respect by the government for the rights of its citizens, including the release of political and religious prisoners. We will continue to press for improvements.

Thank you again for writing on this very important issue.

Sincerely,



Ms. Ann Mills Griffiths
Executive Director
National League of Families of American
Prisoners and Missing in Southeast Asia
Suite 919
1001 Connecticut Avenue, N.W.
Washington, DC 20036-5504

THE WHITE HOUSE

WASHINGTON

April 6, 1998

Dear Mr. Sommer:

Thank you for your letter regarding a Jackson-Vanik waiver to Vietnam. I understand your concerns about moving forward with the waiver, but I believe this course is the right one and will help us advance our objectives with Vietnam.

First, I want to assure you that achieving the fullest possible accounting for our POW/MIA's remains the top priority in our bilateral relations with Vietnam. I am fully committed to this effort and will exhaust every possible lead to determine the fate of those still unaccounted for from Vietnam. Vietnam's cooperation in our efforts has improved significantly over the past several years and this cooperation has enabled us to take incremental steps to normalize our relations in other areas.

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Thank you again for writing on this very important issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Clinton". The signature is fluid and cursive, with the first name "Bill" and last name "Clinton" clearly distinguishable.

Mr. John F. Sommer, Jr.
Executive Director
The American Legion
1608 K Street, N.W.
Washington, D.C. 20515-1602

NATIONAL SECURITY COUNCIL

11 980790

REFERRAL

DATE: 07 APR 98

MEMORANDUM FOR: WH STRIPPING DESK

DOCUMENT DESCRIPTION:

TO: ALARID, JAKE

SOURCE: PRESIDENT

DATE: 06 APR 98

SUBJ: ADDRESSING CONCERNS RE JACKSON-VANIK WAIVER FOR VIETNAM

REQUIRED ACTION: FOR DISPATCH

DUE DATE: 08 APR 98

COMMENT:

FOR

JOHN W. FICKLIN

NSC RECORDS MANAGEMENT OFFICE

NATIONAL SECURITY COUNCIL
DISTRIBUTION RECEIPT

DATE 06 APR 98

SUBJECT: ADDRESSING CONCERNS RE JACKSON-VANIK WAIVER OR VIETNAM
DOCUMENT CLASSIFICATION: UNCLASSIFIED

EXTERNAL DISTRIBUTION: DATE TIME SIGNATURE

WH STRIPPING DESK

PRINT LAST NAME. _____

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The American Legion

★ WASHINGTON OFFICE ★ 1608 "K" STREET, N. W. ★ WASHINGTON, D. C. 20006 ★
(202) 861-2711 ★



OFFICE OF THE
EXECUTIVE DIRECTOR

February 2, 1998

2/3/98

PLEASE STAFF

Honorable William Jefferson Clinton
President of The United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

The American Legion is extremely concerned at National Security Advisor Samuel Berger's recent pronouncements that your Administration is seriously considering waiving the requirements of the Jackson-Vanik Amendment (19 U.S.C. 2432 (a)). It is our considered opinion that it is premature to allow the Export-Import Bank to begin financing projects in Vietnam and likewise, to permit the Overseas Private Investment Corporation to begin operations there. Obviously, these would be giant steps toward the granting of Most Favored Nation status for the Socialist Republic of Vietnam.

Jackson-Vanik renders communist governments ineligible for the aforementioned economic concessions until their citizens are guaranteed unfettered freedom of emigration. The American Legion can assure you that this is not the case today in Vietnam. We have been actively involved in the refugee situation, were vehemently opposed to the forced repatriation of refugees from countries of first asylum absent the opportunity to engage in a fair and equitable interview process, and are cognizant that Vietnamese officials are not now abiding by the provisions of the Resettlement Opportunities for Vietnamese Refugees (ROVR) program. Of course, our primary concern in this regard is the well being of those Vietnamese people who served along-side our military personnel during the war, those who worked for the United States government and their families. We have a moral obligation to them.

Aside from the provisions of Jackson-Vanik, 19 U.S.C. 2433, provides authority for the President to withhold nondiscriminatory trade treatment to countries based on cooperation with our efforts to account for American military and civilian POWs and MIAs in Southeast Asia. It is contingent upon cooperation to achieve a complete accounting of the POWs and MIAs, to repatriate such personnel who are alive, and to return the remains of such personnel who are dead to the United States.

The government of the Socialist Republic of Vietnam is not cooperating anywhere near the extent to which it can. A degree of cooperation is being offered in the conduct of the joint field activities, where our Joint Task Force - Full Accounting and Vietnam's Office on Seeking Missing Personnel are excavating crash sites and other incident locations. Of course, the United States is paying Vietnam handsomely for that assistance.

It is the unilateral cooperation by the central government that is not forthcoming, nor has it been since you first took office in January 1993. In August 1993, a high ranking State Department official specifically asked the Vietnamese government to turn over remains and information relating to over eighty cases involving over ninety individuals categorized as Last Known Alive and Special Remains Cases. To the best of our knowledge, very little, if any, information that correlates to those cases has been turned over by the SRV government.

National Commander Anthony G. Jordan and the undersigned met with several high ranking Vietnamese government officials in December 1997, and requested, among other things increased unilateral cooperation in helping to resolve those cases where the incidents took place in the areas of Laos and Cambodia that were controlled by the Peoples Army of Vietnam during the war. The American Legion and others, including representatives of the Families, have formally requested this as well as cooperation on issues of a similar nature for several years. We continue to receive empty promises, but no substantial progress has been forthcoming in any of these areas.

The third concern of The American Legion is Vietnam's abysmal record on human rights. It is necessary to remain mindful that the Vietnamese government continues to be a communist regime that actively suppresses the human rights of its citizens. Unfortunately, despite the lifting of the trade embargo and the normalization of diplomatic relations, there has been no appreciable improvement. The only apparent change is the diminished level of pressure that the US government is placing on Vietnam to enhance its human rights practices. The Vietnamese government continues to arrest and imprison political and religious activists and hold them at will. Hanoi does not suffer those who believe in freedom and democracy to espouse their feelings.

Mr. President, The American Legion urges you in the strongest possible terms to refrain from proposing a Jackson-Vanik waiver until such time that considerable cooperation and improvement are advanced by the government of Vietnam in these three important areas.

Sincerely,


JOHN F. SOMMER, JR.
Executive Director

cc: Honorable Madeline K. Albright
Honorable William Cohen
Honorable Samuel Berger



NATIONAL LEAGUE OF FAMILIES
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1001 CONNECTICUT AVENUE, NORTHWEST, SUITE 918

WASHINGTON, D.C. 20036-5504

UPDATE LINE: 202/659-0133

202/223-6846

0918

February 6, 1998

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue, NW
The White House
Washington, D.C. 20500

Dear Mr. President:

On behalf of the POW/MIA families, I am writing to express our concern and opposition to certification that Vietnam is "fully cooperating in good faith" to resolve the POW/MIA issue. As you know, that certification is required under current law to allow expenditure of funds for diplomatic relations with Vietnam beyond 1995 levels.

As determined by the staff of the Senate Select Committee on Intelligence, prior certifications by your Administration were not based upon assessments of the intelligence community. The ongoing National Intelligence Estimate on whether Vietnam is meeting long-standing POW/MIA accounting expectations should serve as the basis for any decisions on this matter. Although not yet completed, your national security adviser is quoted in the December 18th WASHINGTON POST as having stated the day before, "We've had very full cooperation with Vietnam in the area of accounting for POW-MIAs." I urge you to carefully review and consider the formal intelligence estimate before reaching any decision on certification.

I also encourage you to temporarily suspend consideration of waiving the Jackson-Vanik requirements, not only because the government of Vietnam has failed thus far to fully implement commitments regarding freedom of immigration. Though no longer frequently noted, other provisions in the Trade Act of 1974 (19 USC 2433) give you the authority to withhold nondiscriminatory treatment to any country based upon cooperation with U.S. efforts to account for American military and civilian POWs and MIAs in Southeast Asia.

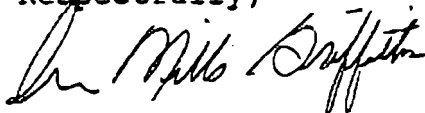
Mr. President, my father, the late E.C. "Bus" Mills, served in 1973-74 in the position I have now held for 19 years. He testified before Congress in support of these very provisions. At that time, he urged the restrictions be applied to the former Soviet Union, then chief supplier of war material to the Vietnamese.

-2-

These questions are not new to those of us who have waited so long and worked so hard for answers. It seems fair and reasonable that you and officials in your Administration consider objective intelligence analysis on the level of Vietnam's cooperation before proceeding any further with such crucial decisions.

Thank you for your consideration. Despite differences over policy and approach on the POW/MIA issue, as the President of our nation, you have our prayers as you again contemplate sending Americans into combat. God be with them.

Respectfully,



Ann Mills Griffiths
Executive Director

cc: Honorable Madeleine Albright
Honorable William Cohen
Honorable Samuel Berger



AMERICAN GI FORUM OF THE UNITED STATES

NATIONAL VETERANS FAMILY ORGANIZATION
OFFICE OF THE NATIONAL COMMANDER

NATIONAL COMMANDER
Jake Alarid

11212 Archway Drive
Whittier, CA 90604
(310) 941-2607
(310) 634-6986 (FAX)
February 13, 1998

FOUNDER
Dr. Hector P. Garcia
1315 Bright
Corpus Christi, TX 78405

The Honorable William J. Clinton
President of the United States
The White House
Washington D.C. 20500

2/18/98 1213
PLEASE STAFF

Dear Mr. President:

On behalf of the membership of the **American GI Forum of the United States**, a national Hispanic veterans family organization, I am writing to respectfully urge you **not** to waive the requirements of the Jackson-Vanik Amendment (19 U.S.C. § 2432(a)) with respect to the Socialist Republic of Vietnam. The basis for such a waiver is that the waiver will substantially promote the objection of section 402 of the Trade Act of 1974 and that the President has received assurances from the country concerned that the emigrations practices of that country will lead substantially to the objections of that section. The American GI Forum believes that such a determination is premature.

The policy of the American GI Forum requires the fullest cooperation before any further favorable actions toward Vietnam be taken. 19 U.S. Section 2432 provides authority for the President to withhold nondiscriminatory trade treatment to countries based on cooperation to achieve a complete accounting of all United States military and civilian personnel who are missing in action in Southeast Asia and to return the remains of such personnel who are dead to the United States. The unilateral cooperation by Vietnam in resolving matters relating to U.S. unaccounted personnel has not been forthcoming. The American GI Forum further urges you not to waive, with respect to Vietnam, any statutory prohibitions on nondiscriminatory trade treatment, commercial agreements, and participation in programs of the U.S. Government which extends credits or financing guarantees and other forms of assistance.

Mr. President, if you, or your staff, should have any questions, please do not hesitate to contact me, at 562-634-6986, or contact Carlos Martinez, President, American GI Forum National Veterans Outreach Program, at 210-223-4088.

Respectfully Yours,

Jake I. Alarid
Jake I. Alarid
National Commander

FEB1821:21
cc:

Honorable Madeline K. Albright
Honorable William Cohen
Honorable Samuel Berger
Francisco Ivarra, AGIF National Vice-Commander
Antonio Morales, AGIF National Executive Director

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Letter to the American Legion on Vietnam Policy

Purpose

To reply to John Sommer's letter on Vietnam policy.

Background

The Executive Director of the American Legion, John F. Sommer, Jr., wrote urging that we withhold the Jackson-Vanik waiver for Vietnam until that government has provided unfettered freedom of emigration, ~~accounted for~~ ^{provided} additional information on POW/MIA's and improved its human rights record.

Your ~~proposed~~ reply expresses your belief that the non-MFN Jackson-Vanik waiver will promote further emigration freedoms, affirms that POW/MIA accounting remains our priority objective with Vietnam and notes we will press for human rights improvements through our human rights dialogue with Hanoi.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments

Tab A Letter to John Sommer
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Mr. Sommer:

Thank you for
~~I appreciate receiving your letter regarding the question of granting a Jackson-Vanik waiver to Vietnam. I understand your concerns about moving forward with the waiver, but I believe this step is the right thing to do and will help us advance our objectives with Vietnam.~~
is the right course to take course is the right one

First, I want to assure you that achieving the fullest possible accounting for our POW/MIA's remains the top priority in our bilateral relations with Vietnam. I am fully committed to this effort and will exhaust every possible lead to determine the fate of those still unaccounted for from the Vietnam War. Vietnam's cooperation in our efforts has improved significantly over the past several years and this cooperation has enabled us to take incremental steps to normalize our relations in other areas.

Similarly, I share your concerns about Vietnam's restrictions on emigration. Recently, through the efforts of Ambassador Pete Peterson, we have received 10,000 names of persons for interview under the Resettlement Opportunity for Vietnamese Returnee (ROVR) program and there has been a significant increase in the number of Vietnamese being processed under that program. Vietnam also has established a solid record in its implementation of the Orderly Departure and AMERASIAN programs. The Jackson-Vanik waiver will build on this momentum and encourage the Vietnamese government to take further steps toward implementing a system that offers its people the opportunity to emigrate freely. We will, of course, continue to press for an accounting of those not presented for interview under the ROVR program and for speedy processing of those approved by the Immigration and Naturalization Service.

The State Department's latest human rights report shines a spotlight on Vietnam's poor record in this area. This issue is a critical item on our agenda with Vietnam and Ambassador

Peterson has initiated a formal human rights dialogue with Vietnamese officials to prompt greater respect by the government for the rights of its citizens, including the release of political and religious prisoners. We will continue to press for improvements.

Thank you again for writing ~~me~~ on this very important issue.
Sincerely,

Mr. John F. Sommer, Jr.
Executive Director
The American Legion
1608 K Street, N.W.
Washington, D.C. 20006

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

0793

February 17, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: SANDRA J. KRISTOFF *SK*

SUBJECT: Letter from American Legion on Vietnam

John Sommer, Executive Director of the American Legion, wrote the President opposing the non-MFN Jackson-Vanik waiver for Vietnam. The President's reply reviews our policy and reaffirms that achieving the fullest possible accounting for our POW/MIA's remains our top priority.

Concurrences by: *SB/er* Eric Schwartz, *JB* Joe Bouchard, *James* James Baker

RECOMMENDATION

That sign the memorandum to the President at Tab I.

Attachments

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Tab A Letter to John Sommer
Tab B Incoming Correspondence

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER *for*
~~LARRY STEIN~~

SUBJECT: Letter to the American Legion on Vietnam Policy

Purpose

To reply to John Sommer's letter on Vietnam policy.

Background

The Executive Director of the American Legion, John F. Sommer, Jr., wrote urging that we withhold the Jackson-Vanik waiver for Vietnam until that government has provided unfettered freedom of emigration, provided additional information on POW/MIA's and improved its human rights record.

Your reply expresses your belief that the non-MFN Jackson-Vanik waiver will promote further emigration freedoms, affirms that POW/MIA accounting remains our priority objective with Vietnam and notes we will press for human rights improvements through our human rights dialogue with Hanoi.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments

Tab A Letter to John Sommer
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Mr. Sommer:

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First, I want to assure you that achieving the fullest possible accounting for our POW/MIA's remains the top priority in our bilateral relations with Vietnam. I am fully committed to this effort and will exhaust every possible lead to determine the fate of those still unaccounted for from the Vietnam War. Vietnam's cooperation in our efforts has improved significantly over the past several years and this cooperation has enabled us to take incremental steps to normalize our relations in other areas.

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for the rights of its citizens, including the release of political and religious prisoners. We will continue to press for improvements.

Thank you again for writing on this very important issue.

Sincerely,

Mr. John F. Sommer, Jr.
Executive Director
The American Legion
1608 K Street, N.W.
Washington, D.C. 20006

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Response to Letters Opposing the Jackson-Vanik
Waiver for Vietnam

Purpose

To reply to letters from John Sommer, Ann Mills Griffiths, and
Jake Alarid ✓ Vietnam policy.
On

Background

The Executive Director of the American Legion, John F. Sommer, Jr.; Ann Mills Griffiths, Executive Director of the National League of Families of American Prisoners and Missing in Southeast Asia; and Jake Alarid, National Commander of the American GI Forum of the United States, wrote separately urging that we withhold the Jackson-Vanik waiver for Vietnam until that government has provided unfettered freedom of emigration, accounted for additional information on POW/MIA's and improved its human rights record.

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RECOMMENDATION

That you sign the letters at Tab A.

Attachments

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and Jake Alarid

Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

0793 Redo

February 26, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: SANDRA J. KRISTOFF

FROM: JAMES M. GAGNON

SUBJECT: Response to Letters Opposing the Jackson-Vanik
Waiver for Vietnam

John Sommer, Executive Director of the American Legion; Ann Mills Griffiths, Executive Director of the National League of Families of American Prisoners and Missing in Southeast Asia; and Jake Alarid, National Commander of the American GI Forum of the United States, wrote the President opposing the non-MFN Jackson-Vanik waiver for Vietnam. The President's reply reviews our policy and reaffirms that achieving the fullest possible accounting for our POW/MIA's remains our top priority.

Concurrences by: ^{SB for} Eric Schwartz, ^{JB} Joe Bouchard, ^{10/4 for} James Baker

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum to the President

Tab A Letters to John Sommers, Ann Mills Griffiths,
and Jake Alarid

Tab B Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

*The importance of the
action*

pol

ter regarding a Jackson-Vanik waiver to
your concerns about moving forward with
ave this course is the right one and will
jectives with Vietnam.

you that achieving the fullest possible
accounting for our POW/MIA's remains the top priority in our
bilateral relations with Vietnam. I am fully committed to this
effort and will exhaust every possible lead to determine the
fate of those still unaccounted for from the Vietnam War.
Vietnam's cooperation in our efforts has improved significantly
over the past several years and this cooperation has enabled us
to take incremental steps to normalize our relations in other
areas.

on your concerns about Vietnam's restrictions

Similarly, I share your concerns about Vietnam's ~~restrictions~~ *policy* on
emigration. Through the efforts of Ambassador Pete Peterson,
Vietnam agreed to revise emigration regulations, which allowed
the U.S. Immigration and Naturalization Service (INS) to
expedite interviews of Vietnamese eligible for the Resettlement
Opportunity for Vietnamese Returnee (ROVR) program. The change
has increased significantly the number of ROVR candidates being
processed by the INS. The Vietnamese authorities have located
and approved for interview 14,000 of the estimated 18,000
persons we believe are eligible to participate in ROVR. Vietnam
also has established a solid record in its implementation of the
Orderly Departure and AMERASIAN programs. The Jackson-Vanik
waiver will build on this momentum and encourage the Vietnamese
government to take further steps toward implementing a system
that offers its people the opportunity to emigrate freely. We
will, of course, continue to press the Vietnamese for an

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9800793
RECEIVED: 03 FEB 98 15

TO: ALARID, JAKE
ET AL

FROM: PRESIDENT

DOC DATE: 06 APR 98
SOURCE REF:

KEYWORDS: VIETNAM
PRESIDENTIAL CORRESPONDENCE

HUMAN RIGHTS
EMIGRATION

PERSONS:

SUBJECT: ADDRESSING CONCERNS RE JACKSON-VANIK WAIVER FOR VIETNAM

N/A

ACTION: FOR DISPATCH

DUE DATE: 14 FEB 98 STATUS: C

STAFF OFFICER: GAGNON

LOGREF: 9800918 9801213

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
WH STRIPPING DESK

FOR CONCURRENCE

FOR INFO
BAKER
BOUCHARD
GAGNON
KRISTOFF
NSC CHRON
SCHWARTZ

COMMENTS:

DISPATCHED BY CF DATE 4/7 BY HAND W/ATTCH

OPENED BY: NSSWD

CLOSED BY: NSTSM

DOC 5 OF 5

~~CONFIDENTIAL~~

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

~~CONFIDENTIAL~~
ACTION DATA SUMMARY REPORT

RECORD ID: 9800793

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 GAGNON	Z 98020315 PREPARE MEMO FOR BERGER
002 BERGER	Z 98021816 FWD TO PRESIDENT FOR SIGNATURE
002 GAGNON	Z 98022518 FOR FURTHER ACTION
003 BERGER	Z 98030212 FWD TO PRESIDENT FOR SIGNATURE
003 KRISTOFF	Z 98031614 FOR FURTHER ACTION
003 BERGER	Z 98031813 FWD TO PRESIDENT FOR SIGNATURE
004 PRESIDENT	Z 98032311 FOR SIGNATURE
005	X 98040716 PRESIDENT SGD LTRS
005 WH STRIPPING DESK	X 98040716 FOR DISPATCH

DISPATCH DATA SUMMARY REPORT

<u>DOC</u>	<u>DATE</u>	<u>DISPATCH FOR ACTION</u>	<u>DISPATCH FOR INFO</u>
004	980323		VICE PRESIDENT
004	980323		WH CHIEF OF STAFF
005	980406	ALARID, JAKE	
005	980406	GRIFFITHS, ANN	
005	980406	SOMMER, JOHN	
005	980406	WH STRIPPING DESK	

~~CONFIDENTIAL~~

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9800793
RECEIVED: 03 FEB 98 15

TO: PRESIDENT

FROM: SOMMER, JOHN

DOC DATE: 02 FEB 98
SOURCE REF:

KEYWORDS: VIETNAM
PRESIDENTIAL CORRESPONDENCE

HUMAN RIGHTS
EMIGRATION

PERSONS:

SUBJECT: AMER LEGION RE WAIVER OF JACKSON - VANIK FOR VIETNAM

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 14 FEB 98 STATUS: S

STAFF OFFICER: GAGNON

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
GAGNON

FOR CONCURRENCE
CLARKE
SCHWARTZ
Baker

FOR INFO
~~BAKER~~
BUSBY
KRISTOFF

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSSWD

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

National Security Council
The White House

PROOFED BY: _____ LOG # 0193
URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
BYPASSED WW DESK: _____ DOCLOG TMA A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Cosgriff			
Rice			
Davies			
Kerrick			
Steinberg			
Berger			
Situation Room			
West Wing Desk	<u>2</u>	<u>SWD 4/7</u>	<u>D</u>
7/Records Mgt.	<u>3</u>	<u>(7) 4/7</u>	<u>D</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS:

Date April 6, 1998 ?

98 APR 7 pm 1:10

Exec Sec Office has diskette _____

National Security Council
The White House

3/17/98
6:00pm

PROOFED BY: _____ LOG # 0793 REDO
URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
BYPASSED WW DESK: _____ DOCLOG SWD A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>NSD</u> Cosgriff			
Rice	<u>1</u>	<u>(7) 3/17</u>	<u>Abt</u>
Davies			
Kerrick			
Steinberg	<u>2</u>	<u>[Signature]</u>	<u>Y edit</u>
Berger			
Situation Room			
West Wing Desk	<u>3</u>	<u>TMA 3-23</u>	<u>D</u> <u>@ 3:35</u>
Records Mgt.			

Deputy Natl Sec Advisor
has seen

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS:

98 MAR 17 pm 4:08

Edits
translated @
Tab A

Exec Sec Office has diskette 4p

Name: _____

PROOFED BY: _____ LOG # 0793
 URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG TMA A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Cosgriff			
Rice		<u>2/18</u>	
Davies			
Kerrick	<u>2</u>	<u>(D) 3/10</u>	
Steinberg			
Berger			
Situation Room			
West Wing Desk	<u>4</u>	<u>TMA 3.14</u>	<u>D</u>
Records Mgt.			
<u>Kristoff</u>	<u>5</u>		<u>A</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

CC:

COMMENTS:

98 FEB 28 PM 1:47

Exec Sec Office has diskette NO

National Security Council
The White House

PROOFED BY: _____ LOG # 0793
 URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG (D) A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>JCP</u> Cosgriff			
Rice	<u>1</u>	<u>2/18</u>	<u>(D)</u>
Davies	<u>2</u>	<u>2/18</u>	
Kerrick	<u>4</u>		
Steinberg			
Berger			
Situation Room			
West Wing Desk	<u>5</u>		<u>5</u>
Records Mgt.			

A = Action I = Information D = Dispatch R = Retain N = No Further Action

CC:

98 FEB 18 PM 3:04

COMMENTS:

Exec Sec Office has diskette go

Should not go through Stein.

(R)

After D.K. signs, put in hold bin until J-V pkg



0793

Tim Bagnon -

we are still holding, these
pls awaiting approval of the
Jumbo-in-Vanick pls by Sandy
Bagnon.

if we have time, pls
combine these into one pls so
SRB and POTUS do not have to
read twice.

Thx -
Ka Rice

AP:

POTUS signature should
exist P's decision
on J-V waiver.

SK



CANADA'S YEAR
OF ASIA PACIFIC
1997 L'ANNÉE
CANADIENNE DE
L'ASIE-PACIFIQUE

February 11, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER
GENE SPERLING
DANIEL K. TARULLO

THROUGH: SANDRA J. KRISTOFF *SJK*FROM: JAMES M. GAGNON *JMG*

SUBJECT: Granting a Waiver of Jackson-Vanik Amendment to
Vietnam; Removal of Prohibition on Export-Import
Bank Programs in Vietnam

The Department of State has recommended, with the approval of the NSC Deputies Committee, that the President grant a waiver of the Jackson-Vanik Amendment to Vietnam. Based on our review of Vietnamese emigration policies, we believe Vietnam now meets the requirements for such a waiver and that United States interests, including the emigration objectives of Title IV of the Act, would be best served by issuing the Presidential determination attached at Tab I-A.

The U.S. Export-Import Bank (EX-IM) is prohibited by law from supporting U.S. exports to Marxist-Leninist states including the Socialist Republic of Vietnam. The Department of State has recommended, with the approval of the NSC Deputies Committee, that the President determine it is in the national interest to allow EX-IM programs for exports to Vietnam. A Presidential determination to this effect (Tab I-C), combined with a waiver of the Jackson-Vanik Amendment, will enable EX-IM to extend its loan, guarantee and insurance programs to Vietnam.

Concurrences by: James Baker, Eric Schwartz, Mara Rudman,
Malcolm Lee

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

That you authorize Glyn T. Davies to sign the memorandum to Robert Damus at Tab II.

Approve  Disapprove _____

Attachments

Tab I Memorandum to the President
 Tab A Presidential Determination Jackson-Vanik
 Tab B Message to the Congress
 Tab C Presidential Determination Export-Import Bank
Tab II Memorandum to Robert Damus
 Tab A Proposed Executive Order
Tab III Incoming Correspondence

THE WHITE HOUSE
WASHINGTON

March 4, 1998

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER *SB*
GENE SPERLING *GS*
DANIEL K. TARULLO *DKT*
LARRY STEIN *LS*

President sgd per WH
Executive Clerk *TMA* 3.9.98

SUBJECT: Granting a Waiver of the Jackson-Vanik Amendment to Vietnam; Removal of Prohibition on Export-Import Bank Programs in Vietnam

Purpose

To execute the Determination at Tab A granting a waiver of the Jackson-Vanik Amendment to Vietnam; and to sign the Message to Congress at Tab B conveying this Determination.

To execute the Determination at Tab C that it is in the national interest to allow Export-Import (EX-IM) Bank programs to support U.S. exports to Vietnam.

Background

The Jackson-Vanik Amendment (section 402 and 409 of the Trade Act of 1974, as amended) provides that certain U.S. economic benefits cannot be extended to countries that: (1) deny their citizens the right or opportunity to emigrate; (2) impose more than a nominal tax on emigration, visas or other documents required to emigrate; or (3) impose more than a nominal charge on any citizen who desires to emigrate. Vietnam should be denied the benefits under that standard, but the statute provides you with waiver authority if you report to Congress that: (1) such a waiver will substantially promote the Amendment's freedom of emigration objectives; and (2) you have received assurances that Vietnam's emigration practices will henceforth lead substantially to the achievement of these objectives.

cc: Vice President
Chief of Staff

Vietnam has liberalized its emigration policies considerably since the 1980's. The Vietnamese authorities have established a solid record in cooperating with us on the Orderly Departure Program (ODP), under which 450,000 Vietnamese have emigrated legally to the United States. While corruption, administrative burdens, and politically motivated harassment have hampered the processing of some legal emigrants, Vietnam has demonstrated a willingness to respond to our complaints.

A recent example of progress toward freer emigration has been the significant improvement we have seen in Vietnam's implementation of the Resettlement Opportunity for Vietnamese Returnees (ROVR), a program designed to provide a last opportunity for settlement in the United States to those Vietnamese who returned to Vietnam from refugee camps in Southeast Asia. The Vietnamese authorities have contacted and approved for interview by the U.S. Immigration and Naturalization Service (INS) thousands of persons we believe are eligible for the ROVR program. Vietnam also has implemented changes in its emigration regulations to allow us to expedite INS interviews of ROVR applicants. We expect these changes should allow us to complete our ROVR processing in Vietnam by the end of September 1998.

In the meantime, we will be looking to Vietnam to account for 3,000 persons we believe are eligible for ROVR but whom the Vietnamese have concluded do not qualify for the program. We also will be pressing the Vietnamese to issue expeditiously passports to ROVR applicants approved to resettle in the United States by INS. The annual review for all countries receiving Jackson-Vanik waivers will be held in June 1998. At that time, we will examine closely Vietnam's emigration policies and practices, including its responses on the 3,000 cases on which we have eligibility questions.

The U.S. EX-IM Bank is prohibited by law from supporting U.S. exports to Marxist-Leninist states, including the Socialist Republic of Vietnam (section 2(b)(2) of the Export-Import Bank Act of 1945). However, the Act gives you the authority to determine that it is in the national interest to allow EX-IM Bank programs to support exports to Vietnam. This determination combined with the waiver of the Jackson-Vanik Amendment will enable the EX-IM Bank to extend its loan, guarantee and insurance programs to Vietnam.

Granting a waiver of the Jackson-Vanik Amendment to Vietnam and allowing the Vietnamese to participate in EX-IM Bank programs builds on our strategy of promoting stability in the region through Vietnam's integration into world markets and international organizations such as ASEAN and APEC. The

availability of EX-IM Bank facilities for exports to Vietnam also provides significant benefits for American firms competing in the Vietnamese market.

The granting of MFN cannot occur until we have concluded a comprehensive trade agreement with Vietnam and will require the approval of both the House and Senate. Discussions with the Vietnamese are underway but progress has been slow, and it is difficult to predict when these negotiations might be completed. However, we believe the granting of these waivers will provide Vietnam with the incentive to renew its efforts to implement the economic reforms needed to conclude a bilateral trade agreement.

The initiation of Overseas Private Investment Corporation (OPIC) programs will require a signed bilateral accord; currently we have an initialed accord which will require some changes.

(Madeleine is expected to use her delegated authority to waive two other prohibitions in the Foreign Assistance Act, but it is arguable that OPIC activities are not blocked by these prohibitions in any event.) In addition, OPIC will be circulating shortly a report which states that Vietnam meets the worker rights criteria of OPIC participation by virtue of the steps it is taking to implement internationally recognized worker rights.

In Congress, although we have obtained support from a wide spectrum of Members, we can expect strong and vocal opposition from some Members in both houses. It is unlikely that either the House and Senate would take action to block this waiver package, but we should anticipate a legislative battle when we get to the granting of MFN.

Although not a statutory prerequisite for the waivers proposed in this memorandum, it should be noted that Vietnam's cooperation in helping us to achieve the fullest possible accounting for our prisoners of war and missing in action has been excellent.

RECOMMENDATION

That you sign the Presidential Determinations at Tabs A and C.

That you sign the Message to the Congress at Tab B.

Attachments

Tab A	Presidential Determination for Jackson-Vanik
Tab B	Message to the Congress
Tab C	Presidential Determination for Export Import Bank

THE WHITE HOUSE

WASHINGTON

March 09, 1998

Presidential Determination
No. 98-17

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination on
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, 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 Vietnam will substan-
tially promote the objectives of section 402.

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

William J. Clinton

TO THE CONGRESS OF THE UNITED STATES:

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

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

THE WHITE HOUSE,

THE WHITE HOUSE

WASHINGTON

March 9, 1998

Presidential Determination
No. 98-18

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential 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.

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

William D. Clinton

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

March 4, 1998

ACTION

MEMORANDUM FOR ROBERT G. DAMUS

FROM: GLYN T. DAVIES *GDm*

SUBJECT: Proposed Executive Order on Jackson-Vanik
Amendment to Vietnam

We are providing the enclosed draft Executive Order, "Waiver Under the Trade Act of 1974 with Respect to Vietnam," for your coordination. The Order has been cleared with the Department of State. We request that OMB complete its processing as soon as possible.

Attachment

Tab A Proposed Executive Order

EXECUTIVE ORDER

- - - - -

WAIVER UNDER THE TRADE ACT OF 1974 WITH RESPECT TO VIETNAM

By virtue of the authority vested in me 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.

THE WHITE HOUSE,

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Secretary of State Madeleine Albright to President William J. Clinton re: Vietnam's Eligibility for U.S. Export-Import Bank Programs (2 pages)	02/23/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Jackson-Vanik (Vietnam) [3]

2014-1060-F
kh1414

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]

_____, 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,

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. memo	Strobe Talbott to President William J. Clinton re: Granting a Waiver of the Jackson-Vanik Amendment for Vietnam (3 pages)	02/03/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Jackson-Vanik (Vietnam) [3]

2014-1060-F
kh1414

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).

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- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- 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]

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,

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, as amended, 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,

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,

EXECUTIVE ORDER

WAIVER UNDER THE TRADE ACT OF 1974 WITH RESPECT TO
VIETNAM

By virtue of the authority vested in me 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.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. memo	Stanley Roth to Secretary of State Madeleine Albright re: Removal of Prohibition on Import-Export Bank Programs in 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) [3]

2014-1060-F
kh1414

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]

Allen, Charles A.

*Jackson
Vanick file*

From: Allen, Charles A.
Sent: Friday, May 29, 1998 12:46 PM
To: Albert, Ronda A.
Cc: Lee, Malcolm R.; @ASIA - Asian Affairs; @INTECON - Economic Affairs; @LEGAL - Legal Advisor; @DEMOCRACY - Dem/Human Affairs
Subject: FW: Your Comments/Concurrence needed by 12 Noon tomorrow May 29 on 3788. Thanks [UNCLASSIFIED]
Importance: High

In the letter to Pascell, I suggest deleting the sentence about the June review. (I've made this change in the third document, below.) The review will probably have been completed and the extension approved by the time he gets this letter. Legal clears.

-----Original Message-----

From: Albert, Ronda A.
Sent: Friday, May 29, 1998 12:36 PM
To: Allen, Charles A.; Lee, Malcolm R.
Cc: @ASIA - Asian Affairs; @LEGAL - Legal Advisor; @INTECON - Economic Affairs
Subject: FW: Your Comments/Concurrence needed by 12 Noon tomorrow May 29 on 3788. Thanks [UNCLASSIFIED]
Importance: High

THIS REALLY REALLY HAS TO GO TODAY.

-----Original Message-----

From: Albert, Ronda A.
Sent: Thursday, May 28, 1998 5:00 PM
To: Baker, James E.; Lee, Malcolm R.; Rudman, Mara E.; Schwartz, Eric P.
Cc: @LEGAL - Legal Advisor; @INTECON - Economic Affairs; @LEGISLAT - Legislative Affairs; @DEMOCRACY - Dem/Human Affairs; @ASIA - Asian Affairs
Subject: Your Comments/Concurrence needed by 12 Noon tomorrow May 29 on 3788. Thanks [UNCLASSIFIED]



3788 SRB-Potus Cong
Pascrel M...



3788 SJK-SRB
Representative Pas...



3788 Congressional
Potus-Pascrel...

May 28, 1998

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Letter from Representative Pascrell on Vietnam

Purpose

Reply to Representative Pascrell on Vietnam Policy.

Background

Representative Pascrell objects to any waiver of the Jackson-Vanik amendment for Vietnam, arguing that Vietnam has not shown sufficient progress on POW/MIA accounting.

Your reply expresses your belief that the non-MFN Jackson-Vanik waiver will promote further progress on POW/MIA accounting, which remains our priority objective with Vietnam.

RECOMMENDATION

That you sign the letters at Tab A.

Attachments

Tab A Letters to Representative Pascrell.
Tab B Incoming Correspondence

May 28, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: SANDRA J. KRISTOFF

FROM: JAMES M. GAGNON

SUBJECT: Letter from Representative Pascrell on Vietnam

Representative Pascrell wrote the President regarding the Jackson-Vanik waiver for Vietnam. The proposed reply reviews our policy and reaffirms that achieving the fullest possible accounting for our POW/MIA's remains our top priority.

Concurrences by: James Baker, Malcolm Lee, Mara Rudman,
Eric Schwartz

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memo to the President
Tab A Letter to Representative Pascrell
Tab B Incoming Correspondence

May 28, 1998

Dear Representative Pascrell:

Thank you for your letter regarding a Jackson-Vanik waiver to Vietnam. I understand your concerns about moving forward with the waiver, but I believe this course is the right one to take and will help us advance our objectives with Vietnam.

First, I want to assure you that achieving the fullest possible accounting for our POW/MIA's remains the top priority in our bilateral relations with Vietnam. I am fully committed to this effort and will exhaust every possible lead to determine the fate of those still unaccounted for from the Vietnam War. Vietnam's cooperation in our efforts has improved significantly over the past several years and this cooperation has enabled us to take incremental steps to normalize our relations in other areas. We have a comprehensive POW/MIA accounting program in Vietnam that includes joint operations and unilateral activities conducted by the Vietnamese. Because of the high degree of Vietnamese cooperation and the concrete results we have achieved, I determined Vietnam was cooperating fully and in good faith with us in achieving the fullest possible accounting for Americans unaccounted for in the Vietnam War.

Similarly, I share the importance you attach to Vietnam's policy on emigration. Through the efforts of Ambassador Pete Peterson, Vietnam agreed to revise emigration regulations, which allowed the U.S. Immigration and Naturalization Service (INS) to expedite interviews of Vietnamese eligible for the Resettlement Opportunity for Vietnamese Returnee (ROVR) program. The change has increased significantly the number of ROVR candidates being processed by the INS. The Vietnamese authorities have located and approved for interview 14,000 of the estimated 18,000 persons we believe are eligible to participate in ROVR.

Vietnam also has established a solid record in its implementation of the Orderly Departure and AMERASIAN programs. The Jackson-Vanik waiver will build on this momentum and encourage the Vietnamese government to take further steps toward implementing a system that offers its people the opportunity to emigrate freely. We will, of course, continue to press the Vietnamese for an accounting of those not presented for interview under the ROVR program and for speedy processing of those approved for immigration to the United States by the INS. ~~Finally, there will be an annual review of all countries receiving Jackson-Vanik waivers, including Vietnam, in June 1998. At that time, we will examine closely Vietnam's emigration policies and practices.~~

The State Department's latest human rights report highlights Vietnam's poor record. This issue is a critical item on our agenda with Vietnam, and Ambassador Peterson has initiated a formal human rights dialogue with Vietnamese officials to prompt greater respect by the government for the rights of its citizens, including the release of political and religious prisoners. We will continue to press for improvements.

Thank you again for writing me on this very important issue.

Sincerely,

The Honorable Bill Pascrell, Jr.
House of Representatives
Washington, D.C. 20515

BILL PASCRELL, JR.
8TH DISTRICT NEW JERSEY

WASHINGTON, OFFICE:
1722 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5751
(202) 225-5782 FAX

PATERSON OFFICE:
ROBERT A. ROE FEDERAL BUILDING
300 FEDERAL PLAZA, SUITE 600
PATERSON, NJ 07605
(973) 523-5152
(973) 523-0637 FAX



Congress of the United States
House of Representatives

3788
COMMITTEES
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
SUBCOMMITTEE ON SURFACE TRANSPORTATION
SUBCOMMITTEE ON WATER RESOURCES
AND ENVIRONMENT
COMMITTEE ON SMALL BUSINESS
SUBCOMMITTEE ON EMPOWERMENT

May 14, 1998

MAY 22 PM 5:10

President Bill Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

I am writing with regard to your recent waiver of the Jackson-Vanik Amendment of the Trade Act of 1974 as it pertains to Vietnam. As you know, the Jackson-Vanik Amendment bars the U.S. government from giving trade and investment funding to non-market economy nations unless the President certifies compliance with human rights and free emigration. Concerning the Republic of Vietnam, the Amendment also contains very specific requirements of cooperation toward the accounting of U.S. personnel missing from the Vietnam War.

I believe that your waiver of Jackson-Vanik relating to Vietnam was premature because the current National Intelligence Estimate has not been fully completed. Therefore, I ask that you re-evaluate your decision to waive Jackson-Vanik. Moreover, if the National Intelligence Estimate, which is scheduled to be released shortly, indicates that Vietnam is not meeting U.S. intelligence expectations on the disclosure of information regarding our captured and missing in action, then I further ask that you suspend the waiver and reinstate Jackson-Vanik. We should not engage in full economic and trade relations with Vietnam until all our captured and missing in action are fully accounted for. This can only be achieved with Vietnam's full cooperation.

This is a matter of great concern to numerous constituents of mine, many of whom served America with valor in Vietnam. I eagerly await your response.

Sincerely,

Bill Pascrell, Jr.
Member of Congress

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

3788

May 28, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: SANDRA J. KRISTOFF *SK*

FROM: JAMES M. GAGNON *JMG*

SUBJECT: Letter from Representative Pascrell on Vietnam

Representative Pascrell wrote the President regarding the Jackson-Vanik waiver for Vietnam. The proposed reply reviews our policy and reaffirms that achieving the fullest possible accounting for our POW/MIA's remains our top priority.

Concurrences by: *CA* Charles Allen, *ML* Malcolm Lee, *SB* Scott Busby
GAW Gina Abercrombie-Winstanley

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memo to the President
Tab A Letter to Representative Pascrell
Tab B Incoming Correspondence

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Letter from Representative Pascrell on Vietnam

Purpose

Reply to Representative Pascrell on Vietnam Policy.

Background

Representative Pascrell objects to any waiver of the Jackson-Vanik amendment for Vietnam, arguing that Vietnam has not shown sufficient progress on POW/MIA accounting.

Your reply expresses your belief that the non-MFN Jackson-Vanik waiver will promote further progress on POW/MIA accounting, which remains our priority objective with Vietnam.

RECOMMENDATION

That you sign the letters at Tab A.

Attachments

Tab A Letters to Representative Pascrell
Tab B Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

Dear Representative Pascrell:

Thank you for your letter regarding a Jackson-Vanik waiver to Vietnam. I understand your concerns about moving forward with the waiver, but I believe this course is the right one to take and will help us advance our objectives with Vietnam.

First, I want to assure you that achieving the fullest possible accounting for our POW/MIA's remains the top priority in our bilateral relations with Vietnam. I am fully committed to this effort and will exhaust every possible lead to determine the fate of those still unaccounted for from the Vietnam War. Vietnam's cooperation in our efforts has improved significantly over the past several years and this cooperation has enabled us to take incremental steps to normalize our relations in other areas. We have a comprehensive POW/MIA accounting program in Vietnam that includes joint operations and unilateral activities conducted by the Vietnamese. Because of the high degree of Vietnamese cooperation and the concrete results we have achieved, I determined Vietnam was cooperating fully and in good faith with us in achieving the fullest possible accounting for Americans unaccounted for in the Vietnam War.

Similarly, I share the importance you attach to Vietnam's policy on emigration. Through the efforts of Ambassador Pete Peterson, Vietnam agreed last year to revise emigration regulations, which allowed the U.S. Immigration and Naturalization Service (INS) to expedite interviews of Vietnamese eligible for the Resettlement Opportunity for Vietnamese Returnee (ROVR) program. The change has increased significantly the number of ROVR candidates being processed by the INS. The Vietnamese authorities have located and approved for interview 14,000 of the estimated 18,000 persons we believe are eligible to participate in ROVR.

Vietnam also has established a solid record in its implementation of the Orderly Departure and AMERASIAN programs. The Jackson-Vanik waiver will build on this momentum and encourage the Vietnamese government to take further steps toward implementing a system that offers its people the opportunity to emigrate freely. We will, of course, continue to press the Vietnamese for an accounting of those not presented for interview under the ROVR program and for speedy processing of those approved for immigration to the United States by the INS.

The State Department's latest human rights report highlights Vietnam's poor record. This issue is a critical item on our agenda with Vietnam and Ambassador Peterson has initiated a formal human rights dialogue with Vietnamese officials to prompt greater respect by the government for the rights of its citizens, including the release of political and religious prisoners. We will continue to press for improvements.

Thank you again for writing me on this very important issue.

Sincerely,

The Honorable Bill Pascrell, Jr.
House of Representatives
Washington, D.C. 20515

BILL PASCRELL, JR.
8TH DISTRICT, NEW JERSEY



3788

COMMITTEES:

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SUBCOMMITTEE ON SURFACE TRANSPORTATION
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(973) 523-0637 FAX

Congress of the United States
House of Representatives

May 14, 1998

MAY 22 4:51:10

President Bill Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

I am writing with regard to your recent waiver of the Jackson-Vanik Amendment of the Trade Act of 1974 as it pertains to Vietnam. As you know, the Jackson-Vanik Amendment bars the U.S. government from giving trade and investment funding to non-market economy nations unless the President certifies compliance with human rights and free emigration. Concerning the Republic of Vietnam, the Amendment also contains very specific requirements of cooperation toward the accounting of U.S. personnel missing from the Vietnam War.

I believe that your waiver of Jackson-Vanik relating to Vietnam was premature because the current National Intelligence Estimate has not been fully completed. Therefore, I ask that you re-evaluate your decision to waive Jackson-Vanik. Moreover, if the National Intelligence Estimate, which is scheduled to be released shortly, indicates that Vietnam is not meeting U.S. intelligence expectations on the disclosure of information regarding our captured and missing in action, then I further ask that you suspend the waiver and reinstate Jackson-Vanik. We should not engage in full economic and trade relations with Vietnam until all our captured and missing in action are fully accounted for. This can only be achieved with Vietnam's full cooperation.

This is a matter of great concern to numerous constituents of mine, many of whom served America with valor in Vietnam. I eagerly await your response.

Sincerely,

Bill Pascrell, Jr.
Member of Congress

THE WHITE HOUSE

WASHINGTON
May 22, 1998

MEMORANDUM FOR GLYN DAVIES
NSC Executive Secretariat

FROM: JANET MURGUIA *ED for Jm*
Legislative Affairs

SUBJECT: Presidential Correspondence

Attached are copies of letters sent to the President by various Members of Congress. Since these letters address national security issues, we would appreciate your assistance in drafting a response.

Thank you very much for your assistance. If you have any questions, please call Peter Greenberger at x67500.

The following is a brief description of the letters:

- 1) Sen. Barbara A. Mikulski (D-MD) and Sen. Paul S. Sarbanes (D-MD), concerning the Northrop Grumman Corporation and Secretary Cohen's upcoming trip to Argentina,
- 2) Rep. David Dreier (R-CA) and others, concerning trade relations with China,
- 3) Rep. Bill Goodling (R-PA), concerning the President's upcoming trip to China,
- 4) Rep. Sue Myrick (R-NC) and 152 others, concerning the President's upcoming trip to China,
- 5) Rep. Jim McDermott (D-WA) and Rep. Frank Pallone, Jr. (D-NJ), concerning recent events in India,
- 6) Rep. Frank Pallone, Jr. (D-NJ), urging the Administration to support peace talks in Cyprus,
- 7) Rep. Bill Pascrell, Jr. (D-NJ), concerning the Jackson-Vanik Amendment and Vietnam,
- 8) Rep. Bernie Sanders (I-VT) and 35 others, concerning Indonesia; and,
- 9) Rep. Charles E. Schumer (D-NY), concerning U.S. foreign policy toward Iran.

AY2219:18
Enclosures

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9803511
RECEIVED: 14 MAY 98 15

TO: DAVIES

FROM: KENNEY, K

DOC DATE: 13 MAY 98
SOURCE REF: 9808367

KEYWORDS: VIETNAM
IMMIGRATION
CONGRESSIONAL

MFN
LEGAL ISSUES
PD

PERSONS:

SUBJECT: PRES RPT TO CONGRESS & DRAFT PD ON JACKSON - VANIK WAIVER AUTHORITY
ALLOWING CONTINUATION OF MFN TRADE STATUS FOR VIETNAM

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 20 MAY 98 STATUS: S

STAFF OFFICER: GAGNON

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

GAGNON

FOR CONCURRENCE

BAKER
BUSBY
KYLE
OMB
RUDMAN

FOR INFO

CLARKE
KRISTOFF
LEE
SCHWARTZ

*See
Newell/Gamiet*

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDRS

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED



S/S 9808367

3511

United States Department of State

Washington, D.C. 20520

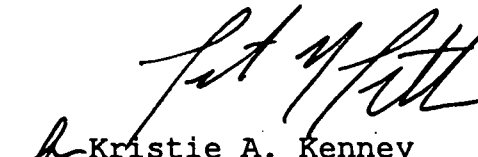
May 13, 1998

MEMORANDUM FOR GLYN T. DAVIES
EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

SUBJECT: Determination to Extend Jackson-Vanik
Waiver Authority Allowing Continuation of
Most-Favored-Nation Trade Status for Vietnam

According to the sec. 402 of the Trade Act of 1974, as amended, the President has until June 3 to transmit a determination to Congress necessary for the extension of Vietnam's Jackson-Vanik waiver. Without this determination, the waiver will expire on July 3 along with Vietnam's eligibility for U.S. Government credit and investment guarantee programs and most-favored-nation (MFN) tariff treatment. Vietnam does not currently receive MFN treatment. A Jackson-Vanik waiver is a prerequisite for MFN, which also requires Congressional approval of a bilateral trade agreement which is currently under negotiation.

The only legal requirement that must be met is that the President determine that a waiver extension will substantially promote freedom of emigration from Vietnam. When he granted a Jackson-Vanik waiver to Vietnam on March 11, the President based his decision on Vietnam's track record of progress on emigration over the past fifteen years and its accelerated efforts in recent months. There has been too little time since the waiver was granted to Vietnam for there to have been far-reaching changes in Vietnam's migration policies. Nonetheless, in general Vietnam has continued to make progress on emigration. Therefore, the waiver certification is justified. A detailed justification for continuing the waiver is attached.


Kristie A. Kenney
Executive Secretary

Attachments:

- Tab A - President's Transmittal Message to Congress
- Tab B - President's Report to Congress Concerning Extension of Waiver Authority
- Tab C - Presidential Determination -- Memorandum from the President to the Secretary

TO THE CONGRESS OF THE UNITED STATES:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the "Act"), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Vietnam. This document constitutes my recommendation to continue in effect this waiver for a further twelve-month period and includes my determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

THE WHITE HOUSE,

REPORT TO THE CONGRESS CONCERNING THE EXTENSION OF WAIVER
AUTHORITY FOR VIETNAM

Pursuant to subsection 402(d)(1) of the Trade Act of 1974 (hereinafter "the Act"), as amended, having determined that further extension of the waiver authority granted by subsection 402(c) of the Act for twelve months will substantially promote the objectives of section 402, I have today determined that continuation of the waiver currently applicable to Vietnam will also substantially promote the objectives of section 402 of the Act. My determination is attached and incorporated herein.

Freedom of Emigration Determination

Overall, Vietnam's emigration policy has liberalized considerably over the last 10-15 years. Under the Orderly Departure Program (ODP), over 480,000 Vietnamese have entered the United States.

There has been too little time since the Jackson-Vanik waiver for Vietnam was granted on March 10 for there to have been far-reaching changes in Vietnam's migration policies. Nonetheless, in general, Vietnam has continued to make progress.

The Government of Vietnam's (GVN) performance on its commitments under the Resettlement Opportunity for Vietnamese Returnees (ROVR) program has continued to improve since October 1997 when it eliminated the requirement for applicants to obtain exit permits prior to interview by the Immigration and Naturalization Service (INS). To date it has located, contacted, screened and authorized for interview 78% (over 14,500 persons) of the approximately 18,500 persons potentially eligible for ROVR. As of April 27, 2133 persons had departed for the United States, demonstrating that the GVN is honoring its commitment to issue passports to those whom the INS has determined are eligible for emigrate under ROVR. Vietnam has also provided to us an accounting of those cases it has not cleared for interview - roughly 7% of the total. Of the 776 cases, the GVN did not have a current address for 40%, while another 18% of cases were reported to have resettled elsewhere or decided to remain in Vietnam. We expect that a significant number of these cases will be cleared for interview once we have provided the GVN with additional information. There remain some 2700 individuals about whom the GVN has not provided us any information; however, we expect that most of these individuals will be cleared for interview. At the present rate of processing, we expect that the INS will have completed most of the ROVR interviews by November 1998.

The GVN's cooperation in permitting the timely processing of most other current non-refugee immigrant visa cases has also continued to be good. In 1997, 15,700 immigrant visas were issued to Vietnamese under ODP. The State Department expects to issue more than 18,000 immigrant visas in 1998.

Despite the progress cited above, we are concerned about the GVN's failure to issue exit permits for the non-ROVR ODP caseload. GVN progress on closing out the remaining ODP refugee program for re-education camp detainees appears to have stalled. While the number of remaining cases is small (631 cases/3400 people), nearly 900 of those people are Montagnards. In addition, there are about 60 current immigrant visa cases involving Montagnards of interest to us that have not been interviewed due to a lack of exit permits.

We have stepped up our efforts to press the Vietnamese to resolve these outstanding cases as part of our ongoing dialogue on emigration issues. Ambassador Peterson and State Department officials in Washington have met with their Vietnamese counterparts to impress upon them the need for immediate improvement in these areas. The issue of discriminatory treatment of ethnic minorities such as the Montagnards, including access to U.S. departure programs, was placed on the agenda of the most recent round of the ongoing U.S.-Vietnam bilateral human rights dialogue held May 26. *[Paragraph to be updated prior to the President's determination.]*

We expect that this increased effort together with the extension of the Jackson-Vanik waiver will encourage the Vietnamese to resolve these specific problems and further liberalize their emigration policy.

Presidential Determination
No. _____

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 section 402 (d) (1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by section 402 of the Act will substantially promote the objectives of section 402 of the Act. I further determine that continuation of the waiver applicable to Vietnam will substantially promote the objectives of section 402 of the Act.

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

NATIONAL SECURITY COUNCIL

ID 9803511

REFERRAL

DATE: 14 MAY 98

MEMORANDUM FOR: OMB

INTL AFFAIRS

DOCUMENT DESCRIPTION:

TO: DAVIES

SOURCE: KENNEY, K

DATE: 13 MAY 98

SUBJ: PRES RPT TO CONGRESS & DRAFT PD ON JACKSON - VANIK WAIVER AUTHORITY
ALLOWING CONTINUATION OF MFN TRADE STATUS FOR VIETNAM

REQUIRED ACTION: COMMENTS/CONCURRENCE

DUE DATE: 18 MAY 98

COMMENT:

A handwritten signature in black ink, appearing to read "John W. Ficklin", is written over a circular stamp that contains the word "FOR".

JOHN W. FICKLIN

NSC RECORDS MANAGEMENT OFFICE