

FOIA MARKER

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Folder Title:

Jackson-Vanik (Vietnam) [5]

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	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)
002. 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)
003. memo	Secretary of State Madeleine Albright to President William J. Clinton re: Vietnam's Eligibility for U.S. Export-Import Bank Programs (2 pages)	01/20/1998	P1/b(1)
004. email	James Gagnon to Newell Highsmith at 4:14 pm re: Vietnam J-V [Jackson-Vanik] (1 page)	02/10/1998	P1/b(1)
005. email	James Gagnon to Newell Highsmith at 4:09 pm re: Vietnam J-V [Jackson-Vanik] (1 page)	02/10/1998	P1/b(1)
006. email	Newell Highsmith to James Gagnon re: Clearance Needed on #0803 (2 pages)	02/06/1998	P1/b(1)
007. email	Mara Rudman to James Gagnon re: FW: Jackson-Vanik Package for Clearance (1 page)	02/06/1998	P1/b(1)
008. memo	Strobe Talbott to President William J. Clinton re: Granting a Waiver of the Jackson-Vanik Amendment for Vietnam; duplicate of 001 (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) [5]

2014-1060-F
kh1416

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]
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- 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]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

~~CONFIDENTIAL~~ Attachment

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20504

February 11, 1998

ACTION

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

THROUGH: SANDRA J. KRISTOFF *SK*FROM: JAMES M. GAGNON *V*

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

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
GENE SPERLING
DANIEL K. TARULLO
LARRY STEIN

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 does not meet these requirements, but the statute authorizes you to waive them 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) nearly 13,000 of the estimated 16,000 persons 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 anticipate 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 provide accounting for persons we believe are eligible for ROVR and whose names do not appear on the interview lists, and to issue expeditiously passports to ROVR applicants approved to resettle in the United States by INS.

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. (Secretary Albright 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

Presidential Determination
No. _____

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) 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.

This Determination shall be published in the Federal Register.

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

Presidential Determination
No. _____

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.

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.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

ACTION

MEMORANDUM FOR ROBERT G. DAMUS

FROM: GLYN T. DAVIES

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

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. 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) [5]

2014-1060-F
kh1416

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]
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- 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]
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- 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.

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COLLECTION:

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

FOLDER TITLE:

Jackson-Vanik (Vietnam) [5]

2014-1060-F
kh1416

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. memo	Secretary of State Madeleine Albright to President William J. Clinton re: Vietnam's Eligibility for U.S. Export-Import Bank Programs (2 pages)	01/20/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Jackson-Vanik (Vietnam) [5]

2014-1060-F
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RESTRICTION CODES

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UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9801213
RECEIVED: 19 FEB 98 08

TO: PRESIDENT

FROM: ALARID, JAKE I

DOC DATE: 13 FEB 98
SOURCE REF:

KEYWORDS: MFN VIETNAM
PRESIDENTIAL CORRESPONDENCE

PERSONS:

SUBJECT: HISPANIC VETERANS FAMILY URGE NOT TO WAIVE REQUIREMENTS OF
JACKSON-VANIK AMENDMENT

ACTION: DUE DATE: 03 MAR 98 STATUS: S

STAFF OFFICER: KYLE 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
KYLE

FOR CONCURRENCE
BAKER
GAGNON
LEE

FOR INFO
KRISTOFF
SCHWARTZ

COMMENTS: _____

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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

FEB18 21:21
cc:

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

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

MD
A/B

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:

DOCUMENT DISTRIBUTION

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FOR CONCURRENCE
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COMMENTS: _____

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OPENED BY: NSSWD

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DOC 1 OF 1

UNCLASSIFIED

0795

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	James Gagnon to Newell Highsmith at 4:14 pm re: Vietnam J-V [Jackson-Vanik] (1 page)	02/10/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Jackson-Vanik (Vietnam) [5]

2014-1060-F
kh1416

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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	James Gagnon to Newell Highsmith at 4:09 pm re: Vietnam J-V [Jackson-Vanik] (1 page)	02/10/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Jackson-Vanik (Vietnam) [5]

2014-1060-F
kh1416

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	Newell Highsmith to James Gagnon re: Clearance Needed on #0803 (2 pages)	02/06/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Jackson-Vanik (Vietnam) [5]

2014-1060-F
kh1416

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]

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Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. email	Mara Rudman to James Gagnon re: FW: Jackson-Vanik Package for Clearance (1 page)	02/06/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Jackson-Vanik (Vietnam) [5]

2014-1060-F
kh1416

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]
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- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

71

Abkhazia) a key country providing regional leadership for conflict resolution and economic reform. Training and infrastructure support for customs and border control by Georgian officials should be a high priority for use of these funds.

In order to facilitate United States leadership in the Minsk Group process, the managers have included in the conference agreement language renewing Congressional concern about blockades of Armenia, but have exempted humanitarian aid to refugees and displaced persons throughout the Southern Caucasus from restrictions imposed by the FREEDOM Support Act. This should facilitate American assistance to residents of Nagorno-Karabakh as well as persons displaced from neighboring regions of Azerbaijan.

The bill again contains language which restates section 907 of the FREEDOM Support Act (P.L. 102-511). The managers recognize that restrictions contained in section 907 are applicable to assistance to the Government of Azerbaijan.

The conference agreement does not exempt reconstruction aid from the restrictions imposed by the FREEDOM Support Act. The managers assume that in the event that an interim settlement is reached with regard to Nagorno-Karabakh, any blockades will be lifted and the President will be in a position to make the determination necessary to lift such restrictions.

In addition to provisions included in prior year Appropriations Acts, the conference agreement allows for limited support for United States commercial entities, as proposed by the Senate, by clarifying that the Foreign Commercial Service and the Trade and Development Agency can function in Azerbaijan. Both House and Senate provisions relating to the Export-Import Bank were deleted from the conference agreement.

It 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 order to provide flexibility for the Executive branch, the conference agreement includes a provision allowing the Secretary of State to use up to \$43,750,000 from the Southern Caucasus funding category for other areas of the former Soviet Union, if she reports to Congress that the full amount cannot be effectively utilized. The managers anticipate that this provision would be used only if an interim settlement proposed by the Minsk Group is not agreed to by May 30, 1998.

ARMENIA

Because of concern about the impact of the continuing physical isolation of Armenia from several of its neighbors and the uneven performance of her economy, the conferees direct that the Agency for International Development and other United States Government agencies provide no less than \$82,500,000 for technical and humanitarian assistance requested by the Government of Armenia and qualified non-governmental organizations in Armenia. This level of assistance is provided with the understanding that Arme-

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70

The conference has deleted House language terminating assistance to the Government of Ukraine if the President determines and reports to the Committees that the Government of Ukraine is engaged in military cooperation with the Government of Libya. There was no similar Senate provision, and the conferees have been assured by the State Department that there is no cooperation with Libya at the present time. The managers caution Ukraine to move immediately to halt any and all transfers of weapons to terrorist states.

COMMERCIAL LAW REFORM

The Senate version of the bill included \$25,000,000 for commercial law reform in Ukraine. The House bill did not include such a provision.

The conferees express strong support for commercial law reform in Ukraine. The conferees strongly urge AID to set aside funds for comprehensive legal restructuring in Ukraine necessary to support a decentralized market-oriented economic system, including the enactment of all necessary substantive commercial law procedures, the implementation of reforms necessary to establish an independent judiciary and bar, the education of judges, attorneys, law students, and related public education.

SOUTHERN CAUCASUS REGION

The conference agreement provides for a new Southern Caucasus Region funding category that is not contained in the House bill or Senate amendment. The managers seek to make the maximum use of American assistance as an incentive for the regional parties to cooperate with the Minsk Group and other international mediators seeking to bring peace to the South Caucasus. The managers are convinced that the ready availability of international reconstruction aid, including the potential U.S. initial contribution provided in this conference agreement, will encourage leaders to make peace. The managers intend that emphasis be placed on restoring transportation, telecommunications, and other infrastructure that promote regional economic integration.

The managers include in the \$250,000,000 made available for the Southern Caucasus specific funding for three areas of United States national interest in the region:

(1) up to \$70,000,000 to aid the refugees and internally displaced persons affected by the conflicts in the Caucasus, and if feasible, provide the United States share of an international effort to reconstruct the regions most affected by the conflict once interim settlements are agreed to. The managers direct the Coordinator to move forthwith to provide assistance of \$12,500,000 for victims of the Nagorno-Karabakh conflict and \$5,000,000 for victims of the Abkhazia conflict;

(2) the amount of \$87,500,000 for Armenia (not including, under the previous category, aid for Armenians residing outside the boundaries of Armenia), a country in the center of a volatile region that cannot prosper without renewed trade and communications with its sometimes hostile neighbors; and

(3) the amount of \$92,500,000 for Georgia (not including, under the previous category, aid for Georgians displaced from

OPIC John Hedden

336-8698

Highsmith, Newell L.

From: Highsmith, Newell L.
Sent: Tuesday, February 10, 1998 5:58 PM
To: Albert, Ronda A.; @ASIA - Asian Affairs
Cc: @LEGAL - Legal Advisor
Subject: FW: Clearance need on #0803 [CONFIDENTIAL]

Importance: High

In discussions with State/L and the Clerk's Office, we concluded that this package is cumbersome and repetitive. We agreed to the following structural changes (reflected in my comments on the attached documents): (1) combine the Report and the Report Transmittal Letter into one document, as they say exactly the same thing; (2) attach the PD to this new Report/Letter rather than just referring to it and asking SecState to transmit it separately. In addition, many of the comments on the other documents may still apply to the new package you are putting together.

I will wait for the new package combining the J-V and EXIM/M-L waivers.

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

From: Albert, Ronda A.
Sent: Thursday, February 05, 1998 3:29 PM
To: @DEMOCRACY - Dem/Human Affairs; @INTECON - Economic Affairs; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs
Cc: @ASIA - Asian Affairs
Subject: Clearance need on #0803 [CONFIDENTIAL]
Importance: High

(Elaine please pass to Lael soonest)

Newell/Eric/Mara/Lael:

Please review the attached Waiver of Jackson-Vanik Amendment to Vietnam, your response is need by OOB tomorrow, Friday, Feb. 6. Thanks everyone in advance.

W

0803 JMG-SRB Jackson-Vanik PD ...

W

0803 GRD-RD Jackson-Vanik Trad...

W

0803 EO Jackson-Vanik Trade Ac...

W

0803 SRB-Pres Jackson-Vanik PD...

W

0803 Rpt Jackson-Vanik Wavier ...

W

0803 PD Jackson-Vanik Trade Ac...

W

0803 Congress Rpt Jackson-Vani...

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By KRM NARA, Date 9-2-2014

2014-1060-F

Highsmith, Newell L.

From: Highsmith, Newell L.
Sent: Wednesday, February 11, 1998 1:32 PM
To: Albert, Ronda A.; Gagnon, James M.
Cc: @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @DEMOCRACY - Dem/Human Affairs; @INTECON - Economic Affairs
Subject: FW: Concurrence Needed on 0803 [UNCLASSIFIED]
Importance: High

Looks pretty good. I have changes on most of the documents, but nothing major. In the memo to the President, I fiddled with the OPIC section. The result -- although accurate -- may be confusing. You may want to say less -- or nothing -- about this issue. (Yes, SecState is expected to waive the other 2 prohibitions, but OPIC does not seem to view that as necessary for their programs. So her action may have little practical effect, but serves the purpose of clearing the deck for Vietnam.)

Was there a separate transmittal to Legislative?

I still don't know what the "transmittal report" is (referred to in memo to Damus).

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

From: Albert, Ronda A.
Sent: Wednesday, February 11, 1998 12:40 PM
To: @LEGAL - Legal Advisor; @DEMOCRACY - Dem/Human Affairs; @INTECON - Economic Affairs
Cc: @ASIA - Asian Affairs
Subject: Concurrence Needed on 0803 [UNCLASSIFIED]
Importance: High

Newell/Scott/Bob:

Please review the attached Waiver of Jackson-Vanik Amendment to Vietnam (part 2), your response is needed as soon as possible. Thanks.



0803 JMG-SRB Jackson-Vanik PD ...



0803 SRB-Pres Jackson-Vanik PD...



0803 PD EXIM Act Vietnam.doc



0803 PD Jackson-Vanik Trade Ac...



0803 Congress Msg Jackson-Vani...



0803 GTD-RD Jackson-Vanik Trad...



0803 EO Jackson-Vanik Trade Ac...

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9800792
RECEIVED: 03 FEB 98 15

TO: PRESIDENT

FROM: HUU, CAO CHANH

DOC DATE: 30 JAN 98
SOURCE REF:

KEYWORDS: VIETNAM
PRESIDENTIAL CORRESPONDENCE

HUMAN RIGHTS
EMIGRATION

PERSONS:

SUBJECT: VIETNAMESE BUDDHIST CONGREGATION OF FORN COUNTRIES RE WAIVER TO
JACKSON - VANIK FOR VIETNAM

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 14 FEB 98 STATUS: S

STAFF OFFICER: GAGNON

LOGREF:

FILES: WH

NSCP:

CODES:

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FOR CONCURRENCE
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COMMENTS: _____

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DOC 1 OF 1

UNCLASSIFIED



VIETNAMESE BUDDHIST YOUTH CONGREGATION OF THE FOREIGN COUNTRIES

CENTRAL CONDUCTING FOREIGN COMMITTEE

Standing Committee Office

6959 LINDA VISTA ROAD, SUITE B; SAN DIEGO CALIFORNIA 92111. USA
TEL. (619) 292-1860, FAX (619) 292-4761

0772

January 30, 1998

Hon. President WILLIAM CLINTON
C/o Mr. Samuel Berger, NSC.
Old Executive Office Building
Washington DC. 20501

2/3/98

PLEASE STAFF

Dear President Clinton :

We are disturbed by news that your Administration intends to recommend a waiver to the Jackson - Vanik Amendment for Vietnam. Its communist government continues to violate the human rights of its citizens, including the right to free emigration.

Vietnam's recent change in the procedure under the Resettlement Opportunity for Vietnamese Returnees (ROVR) only delays the requirement for exit permission until a later stage - applicants approved for resettlement still need exit permission to emigrate. there is also mounting evidence that local authorities have invented many different ways other than the denial of exit permission to block access to ROVR.

Beside ROVR, many eligible applicants under the general Orderly Departure Program (ODP) are also facing problems with exit permission. They include former political prisoners, former U.S. employees, religious leaders, dissidents, immediate relatives of U.S. citizens, etc. As you may agree, Jackson - Vanik was not created just for ROVR.

We also would like to call your attention to the deterioration in the general human rights conditions in Vietnam since the U.S. normalized relations with that country in 1995. More political dissidents and religious leaders have been imprisoned. Freedom of the press has been much more severely curtailed than before. And this trends continues.

Last month the Ministry of Interior established a new center to further tighten its grip on the press. In November 1997, the chief editor of a trade journal was arrested for exposing high - level corruption. In April 1997, the government promulgated Executive Decree 31/CP, authorizing the administrative detention of political suspects for up to two years without trial.

The U.S. should not reward Vietnam with trade privileges until its communist government makes significant concession on human rights by truly honoring the right of its citizens to freely emigrate and by releasing all political and religious dissidents from its system of prisons and labor camps.

Sincerely,



[Handwritten signature]

FEB 314:27

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9800768
RECEIVED: 03 FEB 98 07

TO: BERGER

FROM: NGUYEN, LAN QUOC

DOC DATE: 02 FEB 98
SOURCE REF:

KEYWORDS: MFN
HUMAN RIGHTS
NSA CORRESPONDENCE

VIETNAM
EMIGRATION

MD
DHH

PERSONS:

SUBJECT: LTR OPPOSING WAVIER OF JACKSON VANIK REQUIREMENT FOR VIETNAM

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 09 FEB 98 STATUS: S

STAFF OFFICER: GAGNON

LOGREF:

FILES: WH

NSCP:

CODES:

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FOR CONCURRENCE
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CLARKE
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FOR INFO
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COMMENTS: _____

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OPENED BY: NSTTS

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

0768

LAW OFFICES OF
LAN QUOC NGUYEN & ASSOCIATES
CATHAY BANK CENTER

9141 BOLSA AVENUE, SUITE 303
WESTMINSTER, CALIFORNIA 92683

TELEPHONE (714) 891-1901
FACSIMILE (714) 373-0250

LAN Q. NGUYEN
EDMONT T. BARRETT
EDWARD S. BENEVILLE

January 30, 1998

2/2/98

PLEASE STAFF

Hon. Sandy Berger
National Security Advisor
Old Executive Office Building
Washington, DC 20501

Dear Mr. Berger:

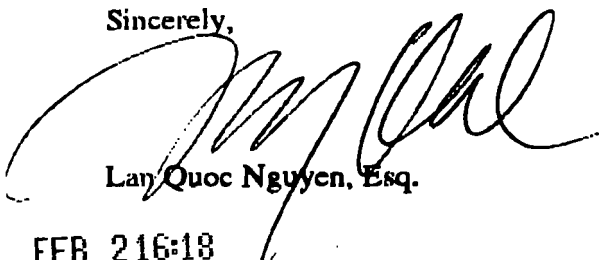
We strongly oppose the waiver of the Jackson-Vanik requirement for Vietnam at this time. That communist country continues to deny exit permission to many of its citizens, including many cases of particular interest to the U.S., not just in the ROVR program but also in many other programs which resettle former political prisoners, former U.S. Government employees, religious leaders with approved religious visa petitions, etc.

Even in the ROVR program, Vietnam has not removed the requirement for exit permission. It only delays this requirement until after the eligible applicant is interviewed and admitted by the U.S. for resettlement. At such time, the problem with exit permission will resurface. As you may know, many returnees are still without "household registration," which is a pre-requisite for exit permission. Vietnam has not indicated how it will address this situation.

We also would like to call your attention to the deteriorating human rights conditions in Vietnam. Since the U.S. government normalized relations with Vietnam in 1995, more dissidents and religious leaders have been arrested and imprisoned. Freedom of the press is currently severely restricted, much more so than a decade ago. Last month, a chief editor was arrested for divulging state secrets when he only exposed corruption. Executive Decree 31/CP issued earlier this year allows the security police even at the ward level to place any political suspect under administrative detention for up to two years.

Vietnam has not made sufficient progress on free emigration or in the general human rights conditions to justify the waiver of Jackson-Vanik. We call on you not to send a wrong message to Vietnam that it can gain trade privileges with the U.S. without having to make any real concessions on human rights, including the right to free emigration.

Sincerely,



Lan Quoc Nguyen, Esq.

FEB 216:18

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9800770
RECEIVED: 03 FEB 98 07

TO: BERGER

FROM: TRAN, HO

DOC DATE: 18 JAN 98
SOURCE REF:

KEYWORDS: MFN
HUMAN RIGHTS
NSA CORRESPONDENCE

VIETNAM
EMIGRATION

MD
ADD

PERSONS:

SUBJECT: LTR OPPOSING WAIVER OF JACKSON VANIK AMENDMENT FOR VIETNAM

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 14 09 FEB 98 STATUS: S

STAFF OFFICER: GAGNON

LOGREF:

FILES: WH

NSCP:

CODES:

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CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED



Vietnamese Political Action Committee

0770

National Board of Directors

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Timon Tran
Vice-President
External Affairs

Binh Vo
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Internal Affairs

Dang [Yun] Tran
Secretary General

Thanh Mai
Treasurer

Bao Ky Vu
Assistant Secretary
General

Dan Duy Hoang
Legislative Affairs
Director

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Illinois
(773) 933-7842

Dallas, Texas
(214) 396-8360

Houston, Texas
(713) 955-2880

January 18, 1998

President William J. Clinton
c/o Mr. Samuel Berger, NSC
Old Executive Office Building
Washington, DC 20501
Fax (202) 456-2461

Dear President Clinton:

We are disturbed by news that your Administration intends to recommend a waiver to the Jackson-Vanik Amendment for Vietnam. Its communist government continues to violate the human rights of its citizens, including the right to free emigration.

Vietnam's recent change in the procedure under the Resettlement Opportunity for Vietnamese Returnees (ROVR) only delays the requirement for exit permission until a later stage—applicants approved for resettlement still need exit permission to emigrate. There is also mounting evidence that local authorities have invented many different ways other than the denial of exit permission to block access to ROVR.

Beside ROVR, many eligible applicants under the general Orderly Departure Program (ODP) are also facing problems with exit permission. They include former political prisoners, former U.S. employees, religious leaders, dissidents, immediate relatives of U.S. citizens, etc. As you may agree, Jackson-Vanik was not created just for ROVR.

We also would like to call your attention to the deterioration in the general human rights conditions in Vietnam since the U.S. normalized relations with that country in 1995. More political dissidents and religious leaders have been imprisoned. Freedom of the press has been much more severely curtailed than before. And this trends continues.

Last month the Ministry of Interior established a new center to further tighten its grip on the press. In November 1997, the chief editor of a trade journal was arrested for exposing high-level corruption. In April 1997, the government promulgated Executive Decree 31/CP, authorizing the administrative detention of political suspects for up to two years without trial.

The U.S. should not reward Vietnam with trade privileges until its communist government makes significant concessions on human rights by truly honoring the right of its citizens to freely emigrate and by releasing all political and religious dissidents from its system of prisons and labor camps.

Sincerely,

Ho Tran, MD
President

2/2/98

PLEASE STAFF

FEB 05 1998
WASHINGTON, D.C.
0022 522-9446

Board of Directors:

20816 Timberline Lane, Walnut CA. 91789

Phone/Fax: (909) 595-8258

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9800667
RECEIVED: 29 JAN 98 08

TO: PRESIDENT

FROM: GILMAN, BENJAMIN A
SMITH, CHRISTOPHER H
LANTOS, TOM

DOC DATE: 23 JAN 98
SOURCE REF:

KEYWORDS: VIETNAM
CO

MFN

PERSONS:

NH

SUBJECT: MFN STATUS FOR REPUBLIC OF VIETNAM

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 10 FEB 98 STATUS: S

STAFF OFFICER: GAGNON

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
GAGNON

FOR CONCURRENCE
BAKER
KYLE
LEE
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KERRICK
KRISTOFF
SCHWARTZ

COMMENTS: IF FINAL REPLY CANNOT BE PREPARED BY DUE DATE, AN INTERIM RESPONSE
MUST BE PREPARED FOR MARA RUDMAN'S SIGNATURE.

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DOC 1 OF 1

UNCLASSIFIED

Congress of the United States

House of Representatives

Washington, DC 20515

January 23, 1998

0667
JPR 27-1-1998

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

Dear Mr. President:

In 1995, when you announced your intention to "normalize" the United States relationship with the Socialist Republic of Vietnam, many Members of Congress objected that the U.S. should not take that important step until the communist government of Vietnam agreed to be less brutal to its own people. In response, we were assured that the United States had not yet given up our most important leverage -- "Most Favored Nation" (MFN) status and the wide range of economic concessions that go with it. The prospect of those concessions, we were told, would be an important incentive for Hanoi to relax its grip on political and religious prisoners, re-education camp survivors, and other Vietnamese who had suffered because of their wartime associations with the United States.

Today, three years later, the prisoners of conscience are still in prison and thousands of our former comrades-in-arms are still trapped in Vietnam. Nevertheless, your Administration has announced its intention to move toward MFN for Vietnam by waiving the requirements of the Jackson-Vanik Amendment (19 U.S.C. §2432(a)), the statutory provision that makes communist governments ineligible for MFN until they grant their citizens genuine freedom of emigration. If the government of Vietnam allowed its citizens that freedom there would be no need for a waiver, and there is much to be said for letting Jackson-Vanik serve the purpose for which it was enacted.

However, if your Administration were to issue a waiver, then it should at least get as much as it can out of it for those Vietnamese people who have suffered because they share our values. At a minimum, we believe that the Administration should require the following improvements by the communist government of Vietnam **before** waiving the Jackson-Vanik requirements:

Results, not promises, in the ROVR program. In the past, Vietnamese authorities have denied the United States access to the vast majority of Vietnamese returnees who are eligible for the Resettlement Opportunities for Vietnamese Refugees (ROVR) program. The only significant human rights concession made by the government of Vietnam recently is the elimination of the requirement that ROVR applicants secure "exit permits" from their local

security police before they are eligible to be interviewed by U.S. refugee officers. Although this looks like an important concession, the United States is still forbidden to interview anyone whose name is not on a list supplied by the Vietnamese government. The same officials who had been denying exit permits may now be in a position to keep people off the interview lists. For example, we are aware of a returnee who has been told by his local security police that he is not on the interview list because his case is "political," and because he refuses to join the official state-run Buddhist church.

It is also important to remember that the Vietnamese government has promised at least twice before to give us access to ROVR-eligible returnees, only to break those promises. So it would be counterproductive to waive Jackson-Vanik until it is clear that the government really will allow eligible returnees to leave. Such cooperation -- and not the mere hope of improved cooperation in the future -- is at the heart of what Jackson-Vanik is about. It should be an absolute prerequisite to a waiver.

Elimination of exit permit requirement for ODP Applicants. Thousands of long-time re-education camp survivors, former U.S. government employees, and other Vietnamese who have applied to the Orderly Departure Program (ODP) have been unable to secure exit permits. In some cases this is because their political views have made them unpopular with the government. Others simply have been unable to pay the exorbitant bribes frequently demanded for exit permits. Both disadvantages have worked against some of the most deserving refugees in Vietnam, such as members of the Montagnard ethnic minority who fought valiantly for the United States and have suffered greatly ever since. We should insist that the elimination of the pre-interview exit permit requirement also be extended to ODP applicants.

Freedom for political and religious prisoners. Contrary to the Vietnamese government's pretense that it has no political or religious prisoners, many Vietnamese continue to languish in prisons because of their political or religious beliefs. The continuing, systematic persecution of the Unified Buddhist Church, the Catholic Church, Protestant Christians, and Hoa Hao Buddhists has been confirmed by many human rights observers. Pro-democracy activists, scholars, and poets are still imprisoned for crimes such as "activities to overthrow the government" and "using freedom and democracy to injure the national unity." The release of a significant number of political and religious prisoners should precede any "normalization" of relations with the communist government of Vietnam that includes a Jackson-Vanik waiver and the economic advantages that go with it.

A halt of Radio Free Asia jamming. In addition to denying freedom of the press within Vietnam, the communist government also systematically jams the broadcasts of Radio Free Asia (RFA). As you know, RFA is a United States-supported service that provides for the Vietnamese people the kind of news and entertainment services they could provide for themselves if their government would let them. If "normalization" is to be a two-way street, it must include an end to censorship of broadcasts from the United States.

Increased respect for other human rights. The government of Vietnam remains a communist regime that is actively engaged in the suppression of other basic human rights. For example, it enforces a coercive "two-child-per-couple" policy through loss of employment and other government benefits. It also denies workers the right to organize independent trade unions, and has subjected many to forced labor. Improvement in these areas should precede new concessions to the government of Vietnam.

As Hanoi is well aware, the Jackson-Vanik waiver is a necessary prelude both to MFN and to U.S. taxpayer-subsidized economic benefits, such as assistance from the Export-Import Bank and the Overseas Private Investment Corporation. The regime badly wants the waiver and is determined to do whatever is absolutely necessary to get it, but no more. So a decision to waive compliance with Jackson-Vanik before the United States has secured any real improvement in the human rights situation would only reward the government of Vietnam for its intransigence.

We ask that you make any further economic concessions, including a Jackson-Vanik waiver, expressly contingent on the minimal conditions outlined above. While we may not be able to insist on perfection, we must insist on progress.

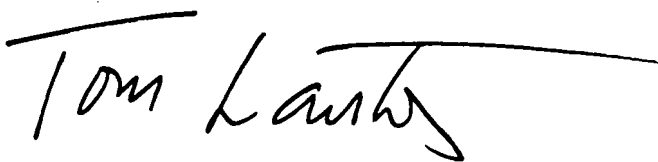
Sincerely,



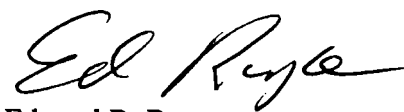
Christopher H. Smith



Benjamin A. Gilman



Tom Lantos



Edward R. Royce

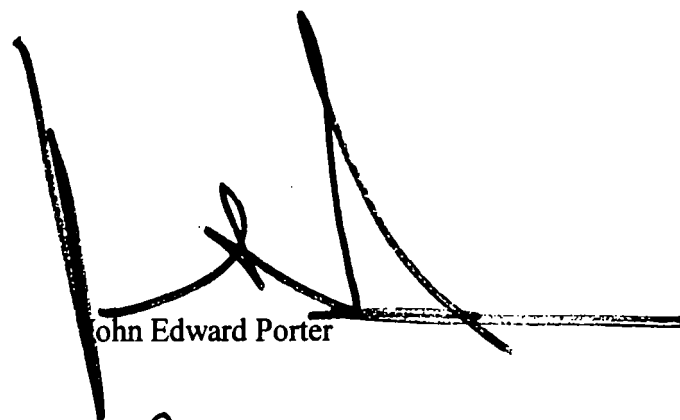


Frank R. Wolf



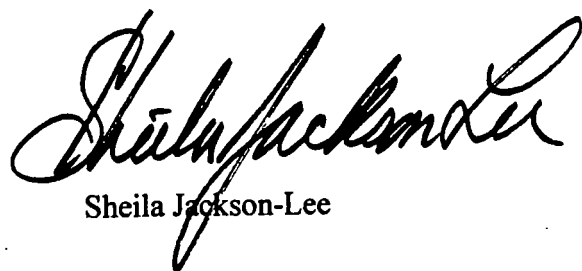
Zoe Lofgren

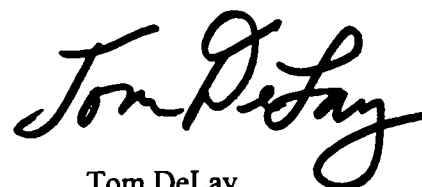

Dana Rohrabacher


John Edward Porter


Thomas M. Davis


Loretta Sanchez


Sheila Jackson-Lee


Tom DeLay

THE WHITE HOUSE
WASHINGTON

January 28, 1998

MEMORANDUM FOR GLYN DAVIES
NSC Executive Secretariat

FROM: Janet Murguia *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 feel free to call Chris Walker at x67500.

The following is a brief description of the letters:

- 1) Rep. Bob Etheridge (D-NC), concerning his constituent, Mr. Michael A. Bradley,
- 2) Rep. Benjamin A. Gilman (R-NY) and others, concerning the Socialist Republic of Vietnam,
- 3) Rep. Cynthia A. McKinney (D-GA), concerning the President's upcoming trip to Africa,
- 4) Rep. Tom DeLay (R-TX), concerning the Climate-Control Treaty recently authored in Kyoto, Japan,
- 5) Rep. Eliot L. Engel (D-NY), concerning the U.S. debt to the U.N.
- 6) Rep. Richard A. Gephardt (D-MO), concerning his constituent, Ms. Christine Stuckel
- 7) Rep. Bernard Sanders (I-VT) and others, concerning the Multilateral Agreement on Investments; and,
- 8) Rep. Frank R. Wolf (R-VA), concerning the people of East Timor.

JAN2818:11
Enclosures

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NSC/RMO PROFILE

RECORD ID: 9800803
RECEIVED: 04 FEB 98 06

TO: PRESIDENT

FROM: TALBOTT, S

DOC DATE: 03 FEB 98
SOURCE REF: 9801576

KEYWORDS: MFN
CONGRESSIONAL

VIETNAM
CM

MD
W/L

PERSONS:

SUBJECT: GRANTING WAIVER OF JACKSON-VANIK AMENDMENT FOR VIETNAM

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 10 FEB 98 STATUS: S

STAFF OFFICER: KYLE

LOGREF:

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
KYLE

FOR CONCURRENCE
BAKER
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FOR INFO
KERRICK
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E.O. 13526
White House Guidelines, September 11, 2006
By K134 NARA, Date 8-28-2014
2014-1060-F

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. memo	Strobe Talbott to President William J. Clinton re: Granting a Waiver of the Jackson-Vanik Amendment for Vietnam; duplicate of 001 (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) [5]

2014-1060-F
kh1416

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]

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.

Not in
those
words.

The White House,

Lifting open
OPIC + EXIM?

Maoist-Leninist

waiver in train? OPIC + EXIM.

Assistance to Terrorist states? OPIC

Sign all at once?

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 ^d ^{by} ^{made the} ^{action} determined ~~that the requirements of subsections 402(c)(2)(A) and (B) of the Act have been satisfied.~~



Will determination
be attached?
(B) not addressed
in determination.

The White House,

and that I have
received assurances that
the emigration practices of Vietnam
~~that country~~ will lead substantially
to the achievement of the
objectives of section 402 of the Act.

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.