

FOIA MARKER

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Original OA/ID Number: 2014				
Document ID: 9800803				
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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)
004. memo	Secretary of State Madeleine Albright to President William J. Clinton re: Vietnam's Eligibility for U.S. Export-Import Bank Programs; duplicate of 001 (2 pages)	02/23/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Jackson-Vanik and Vietnam])
OA/Box Number: 2014

FOLDER TITLE:

9800803

2014-1060-F

kh1418

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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NSC/RMO PROFILE

RECORD ID: 9800803
RECEIVED: 04 FEB 98 06

TO: DAVIES

FROM: DUSAULT, P

DOC DATE: 09 MAR 98
SOURCE REF:

KEYWORDS: MFN
CONGRESSIONAL
PD

VIETNAM
CM
EO

PERSONS:

SUBJECT: DRAFT PD ON VIETNAM ELIGIBILITY FOR US EXPORT - IMPORT BANK PROGRAMS

ACTION: RECD OMB CONCURRENCE

DUE DATE: 10 FEB 98 STATUS: C

STAFF OFFICER: GAGNON

LOGREF:

FILES: PA

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON

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DOC 9 OF 9

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E.O. 13526
White House Guidelines, September 11, 2006
By KEM NARA, Date 8-28-2014
2014-1060-F

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ACTION DATA SUMMARY REPORT

RECORD ID: 9800803

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 KYLE	Z	98020407	PREPARE MEMO FOR BERGER
001	Z	98020514	ACTION TRANSFERRED
001 GAGNON	X	98020514	PREPARE MEMO FOR BERGER
001 OMB	Z	98020514	COMMENTS/CONCURRENCE
001	Z	98020616	RECD OMB CONCURRENCE
001 GAGNON	Z	98020616	APPROPRIATE ACTION
002 BERGER	Z	98021214	FWD TO PRESIDENT FOR SIGNATURE
002 GAGNON	Z	98021219	FOR FURTHER ACTION
002 BERGER	Z	98021219	FWD TO PRESIDENT FOR SIGNATURE
002 GAGNON	Z	98021614	FOR FURTHER ACTION
002 BERGER	Z	98021813	FWD TO PRESIDENT FOR SIGNATURE
003	Z	98022508	ADD-ON / APPROPRIATE ACTION
004 BERGER	Z	98022522	FOR DEC & FWD TO PRESIDENT FOR SIG
004 TARULLO	Z	98022522	FOR SIGNATURE
004	X	98022522	BERGER APPROVED RECOM
004 SPERLING, G	Z	98022716	FOR SIGNATURE
004 STEIN, L	Z	98022718	FOR SIGNATURE
005	X	98030412	RICE SGD MEMO
006 PRESIDENT	Z	98030412	FOR SIGNATURE
007	Z	98031011	PRESIDENT SGD PD 98-17
008	Z	98031011	PRESIDENT SGD PD 98-18
009	X	98031715	RECD OMB CONCURRENCE

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

005	980304	DAMUS, R	
006	980304		VICE PRESIDENT
006	980304		WH CHIEF OF STAFF
007	980309	ALBRIGHT, M	KENNEY, K
007	980309		CONROY, R
007	980309		DUSAULT, P
007	980309		SAUNDERS, T
008	980309	ALBRIGHT, M	KENNEY, K
008	980309		CONROY, R
008	980309		DUSAULT, P
008	980309		SAUNDERS, T

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

March 9, 1998

MEMORANDUM TO GLYN T. DAVIES

Executive Secretary, NSC

FROM:

Philip DuSault

Deputy Associate Director

International Affairs Division

SUBJECT:

Draft PD on Vietnam Eligibility for US Export-Import Bank Programs

This is to inform you that OMB has no objections to 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 the sale or lease to Vietnam.

MAR 10 16:16

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NSC/RMO PROFILE

RECORD ID: 9800803
RECEIVED: 04 FEB 98 06

TO: ALBRIGHT, M

FROM: PRESIDENT

DOC DATE: 09 MAR 98
SOURCE REF: 98-18

KEYWORDS: MFN
CONGRESSIONAL
PD

VIETNAM
CM
EO

PERSONS:

SUBJECT: PD 98-18 RE SUBSECTION 2 B 2 D OF EXPORT IMPORT BANK ACT OF 1945 AS
AMENDED - VIETNAM

ACTION: PRESIDENT SGD PD 98-18

DUE DATE: 10 FEB 98 STATUS: C

STAFF OFFICER: GAGNON

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

FOR CONCURRENCE

FOR INFO

BAKER
GAGNON
KRISTOFF
LEE
NSC CHRON ✓
RUDMAN
SCHWARTZ

COMMENTS: _____

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E.O. 13526
White House Guidelines, September 11, 2006
By KBH NARA, Date 8-28-2014
2014-1060-F

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ACTION DATA SUMMARY REPORT

RECORD ID: 9800803

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 KYLE	Z 98020407	PREPARE MEMO FOR BERGER
001	Z 98020514	ACTION TRANSFERRED
001 GAGNON	X 98020514	PREPARE MEMO FOR BERGER
001 OMB	Z 98020514	COMMENTS/CONCURRENCE
001	Z 98020616	RECD OMB CONCURRENCE
001 GAGNON	Z 98020616	APPROPRIATE ACTION
002 BERGER	Z 98021214	FWD TO PRESIDENT FOR SIGNATURE
002 GAGNON	Z 98021219	FOR FURTHER ACTION
002 BERGER	Z 98021219	FWD TO PRESIDENT FOR SIGNATURE
002 GAGNON	Z 98021614	FOR FURTHER ACTION
002 BERGER	Z 98021813	FWD TO PRESIDENT FOR SIGNATURE
003	Z 98022508	ADD-ON / APPROPRIATE ACTION
004 BERGER	Z 98022522	FOR DEC & FWD TO PRESIDENT FOR SIG
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004 STEIN, L	Z 98022718	FOR SIGNATURE
005	X 98030412	RICE SGD MEMO
006 PRESIDENT	Z 98030412	FOR SIGNATURE
007	Z 98031011	PRESIDENT SGD PD 98-17
008	X 98031011	PRESIDENT SGD PD 98-18

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

005	980304	DAMUS, R	
006	980304		VICE PRESIDENT
006	980304		WH CHIEF OF STAFF
007	980309	ALBRIGHT, M	KENNEY, K
007	980309		CONROY, R
007	980309		DUSAULT, P
007	980309		SAUNDERS, T
008	980309	ALBRIGHT, M	KENNEY, K
008	980309		CONROY, R
008	980309		DUSAULT, P
008	980309		SAUNDERS, T

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National Security Council
The White House

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

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Cosgriff	_____	_____	_____
Rice	_____	_____	_____
Davies	<u>1</u>	<u>② 3/4</u>	_____
Kerrick	_____	_____	_____
Steinberg	_____	_____	_____
Berger	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>2</u>	<u>TMA 3.4</u>	<u>D</u> <u>Damus memo</u>
Records Mgt	<u>3</u>	<u>TMA 3.10</u>	<u>D</u> <u>@ Tab II</u>
	<u>4</u>	<u>GP/TMA 3.10</u>	<u>D</u>

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

cc:

COMMENTS:

98 MAR 4 PM 12:30 - memo at Tab II to Damus.

Exec Sec Office has diskette _____

National Security Council
The White House

2/23/98

PROOFED BY: _____ LOG # 0803 Red. 2
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG TMA A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>b</i> Cosgriff	_____	_____	_____
Rice	<u>6</u>	<u>2/18</u>	<u>W/EC-4</u>
Davies	_____	_____	_____
Kerrick	_____	_____	_____
Steinberg	<u>2</u>	<u>[Signature]</u>	<u>Nat'l Sec Advisor</u>
Berger	<u>3</u>	<u>[Signature]</u>	<u>has seen</u>
Situation Room	_____	_____	_____
West Wing Desk	<u>4</u>	<u>TMA 3.4</u>	<u>A Stem</u>
Records Mgt.	_____	_____	_____
_____	_____	_____	_____

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

cc:

COMMENTS:

'98 FEB 18 AM 10:14

Exec Sec Office has diskette

[Signature]

National Security Council
The White House

2/12/98
@ 7:10 PM

PROOFED BY: _____

LOG #

0803

Rejo

URGENT NOT PROOFED: _____

SYSTEM

PRS

NSC INT ARS

BYPASSED WW DESK: _____

DOCLOG

2

A/O

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>rd</i> Cosgriff			
Rice	1	2/12	<i>done</i>
Davies			
Kerrick			
Steinberg	2		<i>see vide</i>
Berger	3		<i>p 2</i>
Situation Room			
West Wing Desk	4	2/16	<i>STAFF</i>
Records Mgt.			
<i>Cosgriff</i>	5		<i>See JS note</i>
			<i>on p. 2</i>

A = Action

I = Information

D = Dispatch

R = Retain

N = No Further Action

CC:

COMMENTS:

'98 FEB 12 PM 3:31

Exec Sec Office has diskette

yes

National Security Council
The White House

PROOFED BY: _____ LOG # 0803
 URGENT NOT PROOFED: _____ SYSTEM PBS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG Q A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Cosgriff	_____	_____	_____
Rice	_____	_____	_____
Davies	<u>1</u>	<u>2/11</u>	_____
Kerrick	_____	_____	_____
Steinberg	<u>2</u>	_____	<u>2-10</u>
Berger	<u>3</u>	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>4</u>	<u>TMA 2-12</u>	<u>D</u>
Records Mgt.	_____	_____	_____
<u>Gagnon</u>	<u>5</u>	_____	<u>A</u>

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

CC:

COMMENTS:

'98 FEB 11 PM 8:13

Exec Sec Office has diskette yes

CHRON FILE

Note for Exec Sec

2/18

- 1.) Please pass this package to Steinberg, —
Sperting, Tarullo and Stein for authorization.
- 2.) Please do not pass this package to
Berger until you receive the okay from
NSC/Asia. We are awaiting from State
the signed original of one in the incoming
correspondence pkgs; i.e., the EX-114 (Harvest-
Lennonist pkg). J6H6NOW

Disregard J. Gosnon note.

Hold pks until we receive
updated letter from ~~State~~
SEC STATE for Tab III, then
move forward.

(R)

2/18

CHRON FILE

~~CONFIDENTIAL~~
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

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:

DOCUMENT DISTRIBUTION

FOR ACTION

~~KYLE~~

FOR CONCURRENCE

BAKER

BUSBY

GAGNON

RUDMAN

FOR INFO

KERRICK

KRISTOFF

LEE

MCCARTHY

ROSSI

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DOC 1 OF 1

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E.O. 13526
White House Guidelines, September 11, 2006
By KBY/NARA, Date 8-28-2014
2014-1060-F

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 J. Clinton

BILLING CODE:
4710-10

NATIONAL SECURITY COUNCIL
DISTRIBUTION RECEIPT

LOG 9800803
DATE 09 MAR 98

SUBJECT: PD 98-18 RE SUBSECTION 2 B 2 D OF EXPORT IMPORT BANK ACT OF 1945 AS
DOCUMENT CLASSIFICATION: UNCLASSIFIED .

EXTERNAL DISTRIBUTION:

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7TH FLOOR
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MS. RYAN CONROY
ROOM 5945, NEW STATE
2201 C STREET, NW
WASHINGTON, DC 20523
AGENCY FOR INTL DEVELOPMENT

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MR. PHILIP DUSAULT
INTL SECURITY AFFAIRS
ROOM 10002 NEOB
OFFICE OF MANAGEMENT & BUDGET

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MR. TIM SAUNDERS
ROOM 5
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WH EXECUTIVE CLERK

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DATE, TIME, SIGN THE RECEIPT AND RETURN TO: NSC RECORDS MGNT, ROOM 379 OEOB

PAGE 01 OF 01 PAGES

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 substantially promote the objectives of section 402.

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

William J. Clinton

BILLING CODE:
4710-10

NATIONAL SECURITY COUNCIL
DISTRIBUTION RECEIPT

LOG 9800803
DATE 09 MAR 98

SUBJECT: PD 98-17 RE SECTION 402 C 2 A OF TRADE ACT OF 1974 - VIETNAM
DOCUMENT CLASSIFICATION: UNCLASSIFIED

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MS. MADELEINE ALBRIGHT 7TH FLOOR 2201 C STREET, NW WASHINGTON, DC DEPARTMENT OF STATE	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>ORIGINAL+1</u>
MS. KRISTIE A. KENNEY ROOM 7224, MAIN STATE 2201 C STREET, N.W. WASHINGTON, D.C. 20520 DEPARTMENT OF STATE	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>2</u>
MS. RYAN CONROY ROOM 5945, NEW STATE 2201 C STREET, NW WASHINGTON, DC 20523 AGENCY FOR INTL DEVELOPMENT	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>2</u>
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MR. TIM SAUNDERS ROOM 5 OEOB WH EXECUTIVE CLERK	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>2</u>

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PAGE 01 OF 01 PAGES

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,

THE WHITE HOUSE
WASHINGTON

rec'd 3-4-98
12:06pm

March 4, 1998

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 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

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 *DT*
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

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

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 *S/L for all*

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

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
NSC Records Management
([Jackson-Vanik and Vietnam])
OA/Box Number: 2014

FOLDER TITLE:

9800803

2014-1060-F

kh1418

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
NSC Records Management
([Jackson-Vanik and Vietnam])
OA/Box Number: 2014

FOLDER TITLE:

9800803

2014-1060-F
kh1418

RESTRICTION CODES

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

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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
NSC Records Management
([Jackson-Vanik and Vietnam])
OA/Box Number: 2014

FOLDER TITLE:

9800803

2014-1060-F
kh1418

RESTRICTION CODES

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

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Withdrawal/Redaction Marker

Clinton Library

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

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Jackson-Vanik and Vietnam])
OA/Box Number: 2014

FOLDER TITLE:

9800803

2014-1060-F
kh1418

RESTRICTION CODES

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RR. Document will be reviewed upon request.

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Hasman, Thomas M.

From: Hasman, Thomas M.
Sent: Tuesday, March 10, 1998 11:10 AM
To: Gagnon, James M.; Kristoff, Sandra J.; Baker, James E.; Schwartz, Eric P.; Rudman, Mara E.; Lee, Malcolm R.
Cc: @ASIA - Asian Affairs; @LEGAL - Legal Advisor; @DEMOCRACY - Dem/Human Affairs; @LEGISLAT - Legislative Affairs; @INTECON - Economic Affairs; @CROSS - Cross Hatches; @UP - APNSA Special Assistants; @WWD - West Wing Desk
Subject: Package 0803 - Granting Waiver of Jackson-Vanik Amendment to Vietnam; Removal of prohibition on Ex-Im Bank programs to Vietnam [UNCLASSIFIED]

Package 0803 was signed by the President yesterday (March 9, 1998), per The White House Executive Clerk.

Records Management will be dispatching these PDs to the State Department sometime today (as soon as they receive them from the Clerk's office).

NATIONAL SECURITY COUNCIL

REFERRAL

0803

ID 980~~135~~

DATE: 24 FEB 98

MEMORANDUM FOR: OMB

DOCUMENT DESCRIPTION:

TO: PRESIDENT

SOURCE: ALBRIGHT, M

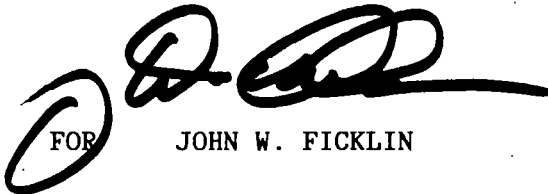
DATE: 23 FEB 98

SUBJ: DRAFT PD ON VIETNAM ELIGIBILITY FOR US EXPORT - IMPORT BANK PROGRAMS

REQUIRED ACTION: COMMENTS/CONCURRENCE

DUE DATE: 26 FEB 98

COMMENT:



FOR

JOHN W. FICKLIN

NSC RECORDS MANAGEMENT OFFICE

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.

should be denied the benefits under that standard.

cc: Vice President
Chief of Staff

*provided you
with waiver
authority*

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.

need
to
discuss
how we
handle
3,000
and
JVC
review

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.

Need to
discuss
how we
handle
3,000
and JVC
review.

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.

Madeline (~~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

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.

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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

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.

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cc: Vice President
Chief of Staff

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Need
more
detail

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need
more
detail

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

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.

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RECOMMENDATION

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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

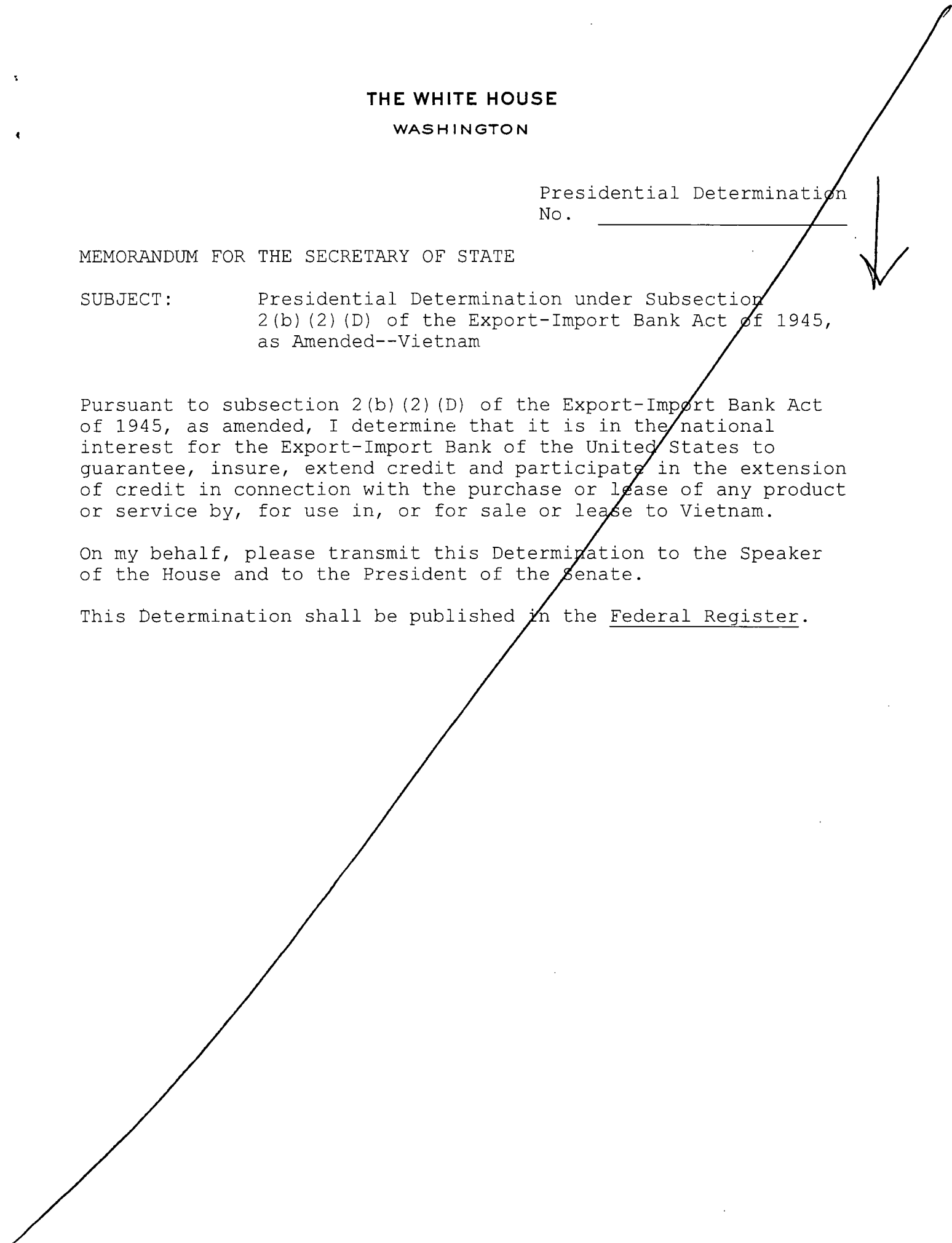
SUBJECT: Presidential Determination on Section 402(c)(2)(A)
of the Trade Act of 1974 -- Vietnam

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.

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.