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PERSONS:

SUBJECT: STATE RPT ON HJR-120 DISAPPROVING PRES 3 JUN WAIVER OF JACKSON-VANIK
FREEDOM OF EMIGRATION REQUIREMENTS

ACTION: NO FURTHER ACTION REQUIRED

DUE DATE: 24 JUL 98 STATUS: C

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ACTION DATA SUMMARY REPORT

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Z 98072215 PREPARE MEMO DAVIES TO FITTER
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LRM ID: AER388

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Wednesday, July 22, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: E. Holly Fitter (for) Assistant Director for Legislative Reference

OMB CONTACT: Annette E. Rooney

PHONE: (202)395-7300 **FAX:** (202)395-5691

SUBJECT: **STATE** Report on HJR120 Disapproving the President's June 3rd waiver of Jackson-Vanik freedom of emigration requirements

DEADLINE: 3:00 P.M. Friday, July 24, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

**COMMENTS:
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EOP:

Ronald L. Silberman
Allan Villabroza
Kate P. Donovan
Alphonse J. Maldon
RUDMAN_M

☐ **Concur**
☐ **No Objection**
☐ **No Comment**
☐ **See proposed edits on pages** _____
☐ **Other:** _____
☐ **FAX RETURN of** _____ **pages, attached to this response sheet**

Dear :

Later this week the House of Representatives will be voting on a bill, H. Res. 120, disapproving the President's extension of the Jackson-Vanik waiver for Vietnam. The Administration strongly opposes this resolution.

On June 3, President Clinton determined that continuation of the Jackson-Vanik waiver for Vietnam would substantially promote freedom of emigration in Vietnam. He based his decision on Vietnam's improved performance on emigration in recent years, and in particular, on the continued progress made since the waiver was initially granted on March 10 of this year. The Jackson-Vanik waiver does not give MFN to Vietnam. MFN can only be granted with the waiver and a Congressionally approved bilateral trade agreement, which is currently under negotiation.

These decisions were made because the Government of Vietnam (GVN) has taken positive steps to accelerate emigration processing as requested by the United States. Over the last 10-15 years, Vietnam has permitted over 480,000 Vietnamese to emigrate to the United States under the Orderly Departure Program (ODP). The prospect of a Jackson-Vanik waiver was a key factor in encouraging Vietnam to modify its processing procedures for the Resettlement Opportunity for Vietnamese Returnees (ROVR), greatly facilitating implementation of this program. Since the initial waiver was granted in March, Vietnam has made consistent progress on its commitments under the ROVR agreement with the result that as of June 29, 3754 ROVR beneficiaries have departed Vietnam. Anticipating the President's June 3 decision to extend the waiver, the GVN also agreed to apply more liberal emigration procedures to other Order Departure Program (ODP) cases.

The Honorable
(insert name)
House of Representatives.

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The waiver is very much in the national interest. By incrementally building our bilateral relationship, we have secured Vietnamese cooperation and engagement on important U.S. foreign policy goals in addition to free emigration, including POW/MIA accounting, human rights and trade. Obtaining the fullest possible accounting of our missing from the Vietnam War is our highest priority in relations with Vietnam. The excellent cooperation we have received from the GVN and the people of Vietnam has enabled us to proceed in other areas of our bilateral relationship.

The United States remains concerned about Vietnam's human rights practices. We press the GVN at every opportunity for improved respect for human rights and the rule of law. While more progress is needed, our engagement with Vietnam has fostered some improvements, specifically increased openness, modest relaxation of restrictions on personal liberty and greater toleration of public criticism about government corruption and inefficiency.

U.S. companies view Vietnam as an important potential market for U.S. exports and investment. We are using negotiation of a bilateral trade agreement and WTO accession to encourage Vietnamese authorities to accelerate the pace of economic reform. Renewing this waiver will permit us to continue to effectively use these tools to improve Vietnam's business climate. Continued progress on economic reform will lead to expanded U.S. commercial activity which, in turn, will translate into increased jobs for U.S. workers.

The Administration believes extension of Jackson-Vanik to Vietnam is in the interest of the United States. We hope the House of Representatives will defeat H. Res 120 when it comes up for a vote later this week.

Sincerely,

Madeleine K. Albright