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NSC/RMO PROFILE

RECORD ID: 0003555
RECEIVED: 25 MAY 00 16

TO: ALBRIGHT, M

FROM: PRESIDENT

DOC DATE: 02 JUN 00
SOURCE REF: 00-21

KEYWORDS: VIETNAM
CONGRESSIONAL

INTL TRADE
PD

PERSONS:

SUBJECT: PD 00-21 RE EXTENSION OF JACKSON VANIK WAIVER AUTHORITY FOR VIETNAM

ACTION: PRESIDENT SGD PD # 00-21

DUE DATE: 31 MAY 00 STATUS: C

STAFF OFFICER: HUSO

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

HUSO
LIEBERTHAL
NSC CHRON

COMMENTS: _____

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DOC 4 OF 4

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ACTION DATA SUMMARY REPORT

RECORD ID: 0003555

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 HUSO	Z 00052516 PREPARE MEMO FOR BERGER
002 BERGER	Z 00052615 FWD TO PRESIDENT FOR SIGNATURE
002 SCHARFEN	Z 00052618 FOR FURTHER ACTION
002 BERGER	Z 00052618 FWD TO PRESIDENT FOR SIGNATURE
002 SPERLING, G	Z 00052712 FOR SIGNATURE
002 BRAIN, C	Z 00053111 FOR SIGNATURE
003 PRESIDENT	Z 00053119 FOR SIGNATURE
004	X 00060218 PRESIDENT SGD PD # 00-21

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 000531	VICE PRESIDENT
003 000531	PODESTA, J
004 000602 ALBRIGHT, M	KENNEY, K
004 000602	CONROY, R
004 000602	BENT, R
004 000602	SAUNDERS, T

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**NATIONAL SECURITY COMMISSION
THE WHITE HOUSE**

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RUDMAN	_____	_____	_____
STEINBERG	_____	_____	_____
BERGER	_____	_____	_____
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CC: Albright / Kenney / Conroy / Beut /

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**NATIONAL SECURITY COUNCIL
THE WHITE HOUSE**

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A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

CC:

COMMENTS:

*JACKSON - VANIK for
VIETNAM*

EXEC SEC OFFICE HAS DISKETTE yes

NATIONAL SECURITY COUNCIL
THE WHITE HOUSE

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A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

CC:

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COMMENTS:

90 MAY 26 10:25

Jackson - Vanik for Vietnam

EXEC SEC OFFICE HAS DISKETTE yes

LOG # 3555

ADDITIONAL COMMENTS

FM BB TO RAB DATE 5/26

Bob,
I recommend you approve for SPB
we report to the Clerk's office
Regarding the format of the transmittal
letters

FM _____ TO _____ DATE _____

NATIONAL SECURITY COMMISSION

THE WHITE HOUSE

PROOFED BY: _____

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A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

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CC: Albright / Kenney / Conroy / Bent /

COMMENTS: Saunders > Done 02/6/2

EXEC SEC OFFICE HAS DISKETTE _____

NATIONAL SECURITY COUNCIL

THE WHITE HOUSE

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A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

CC:

COMMENTS:

JACKSON - VANIK for
 VIETNAM

EXEC SEC OFFICE HAS DISKETTE yes

NATIONAL SECURITY COUNCIL

THE WHITE HOUSE

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A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

CC:

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COMMENTS:

00 MAY 28 AM 10:25

Jackson - Vank for Vietnam

EXEC SEC OFFICE HAS DISKETTE yes

ADDITIONAL COMMENTS

FM BD TO RAB DATE 5/26

Bob,
I recommend you approve for SPB
we spoke to the Clerk's office
Regarding the format of the transmittal
letters

FM _____ TO _____ DATE _____

THE WHITE HOUSE

WASHINGTON

June 2, 2000

Presidential Determination
No. 2000-21

MEMORANDUM FOR THE SECRETARY OF STATE

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

Pursuant to subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), 19 U.S.C. 2432(d)(1), I determine that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waiver applicable to Vietnam will substantially promote the objectives of section 402 of the Act.

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

William S. Clinton

THE WHITE HOUSE
WASHINGTON

May 31, 2000

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *g*

FROM: SAMUEL BERGER *ABK*
GENE SPERLING *GS*
CHARLES M. BRAIN *CMB*

SUBJECT: Extension of Jackson-Vanik Waiver Authority for
Vietnam

Purpose

Extend the Jackson-Vanik waiver for Vietnam.

Background

Under Section 402 of the Trade Act of 1974, as amended, you have until June 3 to transmit to Congress a determination extending the waiver for Vietnam of the Jackson-Vanik amendment. Without this determination, the waiver will expire on July 3, ending Vietnam's eligibility for certain U.S. Government credit and investment guarantee programs. While a Jackson-Vanik waiver is also a prerequisite for NTR, Vietnam will not be eligible for NTR until we finalize, and Congress approves, the bilateral trade agreement we negotiated last year but which Vietnam has not yet signed.

Since your decision last June to continue the waiver, Vietnam has worked cooperatively with us to complete processing of the caseload of existing refugee programs. We established a Refugee Resettlement Unit at our Consulate General in Ho Chi Minh City to carry out these programs and to respond to cases of recent persecution that are of special interest to the United States. We continue to press Vietnam on the importance of continued cooperation on emigration, and we will not consider any refugee programs to be closed until we have an acceptable accounting of each case.

cc: Vice President
Chief of Staff

To extend the waiver, you must determine that this action will substantially promote freedom of emigration from Vietnam. In our view, continuation of the waiver for another 12-month period will do so.

Your Determination will also provide for the further extension of waiver authority granted by section 402 of the Act which will substantially promote the objectives of section 402 of the Act.

RECOMMENDATION

That you sign the letters to Congress at Tab A and the Presidential Determination at Tab B.

Attachments

Tab A Letters to Congress
Tab B Presidential Determination
Tab C Report to Congress

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

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

Freedom of Emigration Determination

Overall, Vietnam's emigration policy has liberalized considerably in the last decade and a half. Vietnam has a solid record of cooperation with the United States to permit Vietnamese emigration. Over 500,000 Vietnamese have emigrated as refugees or immigrants to the United States under the Orderly Departure Program (ODP), and only a small number of refugee applicants remain to be processed.

The Government of Vietnam (GVN) cooperates with the United States Government to process applicants under ODP and the Resettlement Opportunities for Vietnamese Returnees (ROVR) program. The GVN issues passports and exit permits to Vietnamese approved for admission to the United States and, in the case of ROVR applicants, expedites the departure clearance process. In FY 1999, we completed processing of the majority of ODP and ROVR cases.

On September 30, 1999, the Department of State closed the ODP office in Bangkok, Thailand and opened the Refugee Resettlement Section (RRS) at the United States Consulate General in Ho Chi Minh City, Vietnam. The RRS will continue to process the small number of remaining ODP and ROVR cases. The anticipated completion of ODP and ROVR programs in 2000 will not mean the end of U.S. refugee processing in Vietnam. The RRS will remain to implement a new, in-country program to address the rescue needs of individuals who have suffered recent persecution or who have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

After a slow start, processing of eligible cases under the ROVR program accelerated dramatically in 1998, continued in 1999, and is now near to completion. As of May 2000, the GVN had cleared for interview 20,530 individuals, which represents 98 percent of ROVR applicants. Applicants cleared for interview by the GVN must gather necessary documents to support their applications and be scheduled for a screening interview that determines the applicant's qualifications by the Immigration and Naturalization Service (INS). The INS has approved 16,254 for admission to the United States, 15,586 of whom have departed for the United States. An additional 355 individuals await INS interview. The majority of these are individuals who neither the GVN nor the United States Government are able to locate or contact; others have been contacted but have declined to attend the clearance interview.

Completion of the Former Re-education Camp Detainees program, known popularly as the "HO" program, remains a high priority. To be eligible for this program, applicants must have been detained for at least three years in a re-education camp because of their association with the United States or the former South Vietnamese government. As of May 2000, there were 146 HO cases (comprising about 750 persons) that the GVN had not yet cleared for interview.

A sub-group of the HO program consists of applicants covered by the "McCain Amendment." These applicants are persons over the age of 21 who are the sons and daughters of former re-education camp detainees who were approved for admission as refugees on or after April 1, 1995. At the end of Fiscal Year 1999, 275 McCain cases (comprising 1,195 individuals) remained to be processed under the Amendment's original provisions. As a result of 1999 modifications to the legislation, the total caseload currently being processed for consideration for resettlement has risen to 1,210 cases (comprising 3,292 individuals).

The GVN also continues to cooperate on refugee cases involving Montagnards, a term commonly used to identify members of ethnic minorities who traditionally have lived in highland areas. Of the 99 current cases, the GVN has cleared for interview 53 cases comprising 404 individuals. The United States Government will continue to press the GVN to process Montagnard refugee cases, including those the GVN has not cleared for interview.

The United States Government is also committed to interview those individuals eligible for the ODP sub-program for former

United States Government employees who did not receive interviews because of the 1996 suspension of the program by the United States. The United States Government is currently reviewing case files that were not processed prior to the 1996 suspension. The GVN agreed to our request to resume this program, and we anticipate that interviews will begin by end of the year 2000.

The GVN also continued to cooperate in the timely processing of current non-refugee immigrant visa cases. Prior to August 1999, U.S. diplomatic and consular posts in Vietnam did not issue immigrant visas and most categories of visitor visas. The United States Embassy in Bangkok, Thailand, provided these services. Currently, the U.S. Consulate General in Ho Chi Minh City, Vietnam is issuing all categories of visas while the United States Embassy in Hanoi issues only non-immigrant visas. In the first half of Fiscal Year 2000, our consular sections issued 6,823 immigrant visas and 2,259 non-immigrant visas. The Department of State anticipates that demand in Vietnam for immigrant and non-immigrant visas will grow.

The United States will not consider our refugee programs to be completed until the last applicant has had the opportunity to be interviewed, or we have an acceptable accounting of each case. United States Government officials both in Washington and Vietnam will continue to press the GVN at every level to authorize interviews for all those who registered to be interviewed for resettlement in the United States as refugees.

These efforts, together with the extension of the Jackson-Vanik waiver, will encourage the Vietnamese to further liberalize their emigration policy and to continue to resolve procedural issues that affect our refugee and immigration programs.

THE WHITE HOUSE

WASHINGTON

May 31, 2000

President sgd per WH
Executive Clerk 6/2/00 *[Signature]*ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER *ABK*
GENE SPERLING *GS*
CHARLES M. BRAIN *CMB*SUBJECT: Extension of Jackson-Vanik Waiver Authority for
VietnamPurpose

Extend the Jackson-Vanik waiver for Vietnam.

Background

Under Section 402 of the Trade Act of 1974, as amended, you have until June 3 to transmit to Congress a determination extending the waiver for Vietnam of the Jackson-Vanik amendment. Without this determination, the waiver will expire on July 3, ending Vietnam's eligibility for certain U.S. Government credit and investment guarantee programs. While a Jackson-Vanik waiver is also a prerequisite for NTR, Vietnam will not be eligible for NTR until we finalize, and Congress approves, the bilateral trade agreement we negotiated last year but which Vietnam has not yet signed.

Since your decision last June to continue the waiver, Vietnam has worked cooperatively with us to complete processing of the caseload of existing refugee programs. We established a Refugee Resettlement Unit at our Consulate General in Ho Chi Minh City to carry out these programs and to respond to cases of recent persecution that are of special interest to the United States. We continue to press Vietnam on the importance of continued cooperation on emigration, and we will not consider any refugee programs to be closed until we have an acceptable accounting of each case.

cc: Vice President
Chief of Staff

To extend the waiver, you must determine that this action will substantially promote freedom of emigration from Vietnam. In our view, continuation of the waiver for another 12-month period will do so.

Your Determination will also provide for the further extension of waiver authority granted by section 402 of the Act which will substantially promote the objectives of section 402 of the Act.

RECOMMENDATION

That you sign the letters to Congress at Tab A and the Presidential Determination at Tab B.

Attachments

Tab A Letters to Congress
Tab B Presidential Determination
Tab C Report to Congress

THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

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

Sincerely,

The Honorable J. Dennis Hastert
Speaker of the
House of Representatives
Washington, D.C. 20515-6501

THE WHITE HOUSE
WASHINGTON

Dear Mr. President:

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

Sincerely,

The Honorable Albert A. Gore, Jr.
President of the Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

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

Pursuant to subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), 19 USC 2432(d)(1), I determine that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waiver applicable to Vietnam will substantially promote the objectives of section 402 of the Act.

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

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

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

Freedom of Emigration Determination

Overall, Vietnam's emigration policy has liberalized considerably in the last decade and a half. Vietnam has a solid record of cooperation with the United States to permit Vietnamese emigration. Over 500,000 Vietnamese have emigrated as refugees or immigrants to the United States under the Orderly Departure Program (ODP), and only a small number of refugee applicants remain to be processed.

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Completion of the Former Re-education Camp Detainees program, known popularly as the "HO" program, remains a high priority. To be eligible for this program, applicants must have been detained for at least three years in a re-education camp because of their association with the United States or the former South Vietnamese government. As of May 2000, there were 146 HO cases (comprising about 750 persons) that the GVN had not yet cleared for interview.

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United States Government employees who did not receive interviews because of the 1996 suspension of the program by the United States. The United States Government is currently reviewing case files that were not processed prior to the 1996 suspension. The GVN agreed to our request to resume this program, and we anticipate that interviews will begin by end of the year 2000.

The GVN also continued to cooperate in the timely processing of current non-refugee immigrant visa cases. Prior to August 1999, U.S. diplomatic and consular posts in Vietnam did not issue immigrant visas and most categories of visitor visas. The United States Embassy in Bangkok, Thailand, provided these services. Currently, the U.S. Consulate General in Ho Chi Minh City, Vietnam is issuing all categories of visas while the United States Embassy in Hanoi issues only non-immigrant visas. In the first half of Fiscal Year 2000, our consular sections issued 6,823 immigrant visas and 2,259 non-immigrant visas. The Department of State anticipates that demand in Vietnam for immigrant and non-immigrant visas will grow.

The United States will not consider our refugee programs to be completed until the last applicant has had the opportunity to be interviewed, or we have an acceptable accounting of each case. United States Government officials both in Washington and Vietnam will continue to press the GVN at every level to authorize interviews for all those who registered to be interviewed for resettlement in the United States as refugees.

These efforts, together with the extension of the Jackson-Vanik waiver, will encourage the Vietnamese to further liberalize their emigration policy and to continue to resolve procedural issues that affect our refugee and immigration programs.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

3555

May 26, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER
GENE SPERLING

THROUGH: KENNETH G. LIEBERTHAL *- on original*

FROM: RAVIC HUSO *- on original*

SUBJECT: Presidential Determination to Extend Jackson-
Vanik Waiver Authority for Vietnam

Attached at Tab 1 is a memorandum to the President concerning a determination to extend the waiver for Vietnam of the Jackson-Vanik amendment. **The President has until June 3 to transmit to Congress his determination** or the waiver will expire on July 3, ending Vietnam's eligibility for certain U.S. Government credit and investment guarantee programs.

The only legal requirement that must be met is for the President to determine that a waiver extension will substantially promote freedom of emigration from Vietnam.

Concurrence by: Jock Scharfen, Wendy Patten, Dan Shapiro and John Duncan (Trade Task Force) *all on original*

RECOMMENDATION

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

Attachments

Tab I Memorandum to the President
Tab A Letters to Congress
Tab B Presidential Determination
Tab C Report to Congress
Tab II Incoming Correspondence

**United States Department of State**

Washington, D.C. 20520

www.state.gov

UNCLASSIFIED

May 25, 2000

MEMORANDUM FOR ROBERT A. BRADTKE
EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

SUBJECT: Determination to Extend Jackson-Vanik
Waiver Authority for Vietnam

According to the section 402 of the Trade Act of 1974, as amended, the President has until June 3 to transmit a determination to Congress necessary for the extension of Vietnam's Jackson-Vanik waiver. Without this determination, the waiver will expire on July 3 along with Vietnam's eligibility for U.S. Government credit and investment guarantee programs and most-favored-nation (MFN) tariff treatment (now referred to under U.S. law as normal trade relations or NTR.) Vietnam does not currently receive NTR. A Jackson-Vanik waiver is a prerequisite for NTR, which would be granted by Congressional approval of a bilateral trade agreement. In 1999 the USG and Vietnam initialed an Agreement-in-Principle on a Bilateral Trade Agreement, but Vietnam has not yet agreed to conclude the deal.

The only legal requirement that must be met is that the President determine that a waiver extension will substantially promote freedom of emigration from Vietnam. Since the President's decision in June 1999 to continue the waiver for Vietnam, that country has continued to make substantial progress on emigration. It is, therefore, our belief that continuation of the waiver for another year will again substantially promote freedom of emigration from Vietnam. A detailed justification for continuing the waiver is attached.

A handwritten signature in cursive script that reads "Kristie A. Kenney for".

Kristie A. Kenney
Executive Secretary

Attachments:

MAY 25 11:34

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

UNCLASSIFIED

TO THE CONGRESS OF THE UNITED STATES:

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

THE WHITE HOUSE,

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

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

Freedom of Emigration Determination

Overall, Vietnam's emigration policy has liberalized considerably in the last decade and a half. Vietnam has a solid record of cooperation with the United States in permitting Vietnamese to emigrate. Over 500,000 Vietnamese have emigrated as refugees or immigrants to the United States under the Orderly Departure Program (ODP), and only a small number of refugee applicants remain to be processed.

The Government of Vietnam (GVN) cooperates with the United States Government to clear for interview applicants under ODP and the Resettlement Opportunity for Vietnamese Returnees (ROVR) program. The GVN issues passports and exit permits to Vietnamese approved for admission to the United States, and in the case of ROVR applicants, expedites the departure clearance process. In FY 1999 we completed processing the majority of ODP and ROVR cases. Because of our success, we closed, on September 30, 1999, the ODP office in Bangkok, Thailand and opened the Refugee Resettlement Section (RRS) at the U.S. Consulate General in Ho Chi Minh City, Vietnam to process the small number of remaining ODP and ROVR cases and to maintain an in-country refugee processing capability.

After a slow start, processing of eligible cases under the ROVR program accelerated dramatically in 1998, continued in 1999, and nears completion. As of May 2000, the GVN had cleared for interview 20,530 individuals, 98 percent of ROVR applicants. Applicants cleared for interview by the GVN must gather necessary documents to support their applications and be scheduled for a screening interview which determines the applicants' qualification for a subsequent interview by the Immigration and Naturalization Service (INS). The INS has approved 16,254

applicants for admission to the United States, 15,886 of whom have departed for the United States. An additional 355 individuals await INS interview. The majority of these individuals remain not cleared because neither the GVN nor the USG have been able to contact the applicants or because, once contacted, applicants have declined to attend the clearance interview.

Completion of the Former Re-education Camp Detainee program, known popularly as the "HO" program, remains a high priority. Under this program, eligible applicants must have been detained for at least three years in a re-education camp because of their association with the United States or the former South Vietnamese government. As of May 18, 2000, there were 146 HO cases comprising about 750 persons who have not been cleared for interview by the GVN. Officials at the State Department and our diplomatic posts in Vietnam continue to press the GVN at every level to authorize interview of the remaining cases for those who wish to be interviewed for U.S. resettlement.

The United States will not consider either the HO or ROVR programs to be completed until the last applicant has had the opportunity to be interviewed or we have an acceptable accounting for each case.

A sub-group of the HO program consists of applicants covered by the "McCain Amendment." These are persons over the age of 21 who are the sons and daughters of former re-education camp detainees who were approved for admission as refugees on or after April 1, 1995. At the end of FY 1999, 275 McCain cases (1,195 people) remained to be processed under the Amendment's original provisions. As a result of 1999 modifications to the legislation, total caseload currently being processed for resettlement consideration has risen to 1,210 cases (3,292 people).

The GVN continues to cooperate on the emigration of Montagnard refugee cases. Progress has been made since the Jackson-Vanik waiver for Vietnam was extended last year. Currently all but 50 cases (408 people) have been cleared by the GVN for interview. The United States will continue to press the GVN to expedite processing of Montagnard refugee cases, including those the GVN has not cleared for interview.

Completion of ODP and ROVR programs will not mean the end of U.S. refugee processing in Vietnam. We have designed a new, in-country program to address the rescue

needs of individuals who have suffered recent persecution or who have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The United States is also committed to interview those individuals eligible for the program for former U.S. Government employees who did not receive interviews because of the 1996 suspension of this program by the United States. The United States is currently reviewing case files that were not processed prior to the 1996 suspension. The GVN has agreed to our request to resume this program, and we anticipate that interviews will commence by the end of this calendar year.

Prior to August 1999, U.S. diplomatic and consular posts in Vietnam did not issue immigrant visas and most categories of temporary visitor visas. U.S. Embassy Bangkok provided these services. Currently, Consulate General Ho Chi Minh City is issuing all categories of visas; U.S. Embassy Hanoi issues only non-immigrant visas. In the first half of FY-2000, our consular sections issued 6823 immigrant visas and 2259 non-immigrant visas. The Department anticipates that Vietnamese demand for immigrant and non-immigrant visas to the U.S. will grow dramatically as bilateral relations continue to improve.

The United States will continue to impress on the GVN the importance of Vietnam's continued cooperation on emigration from Vietnam. The extension of the Jackson-Vanik waiver will encourage the Vietnamese to further liberalize their emigration policy and to resolve remaining procedural issues.

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

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

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

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

NATIONAL SECURITY COUNCIL
DISTRIBUTION RECEIPT

LOG 0003555
DATE 02 JUN 00

SUBJECT: PD 00-21 RE EXTENSION OF JACKSON VANIK WAIVER AUTHORITY FOR VIETNAM
DOCUMENT CLASSIFICATION: UNCLASSIFIED

EXTERNAL DISTRIBUTION:

DATE

TIME

SIGNATURE

MS. MADELEINE ALBRIGHT
ROOM 7226
2201 C STREET, NW
WASHINGTON, DC
DEPARTMENT OF STATE

PRINT LAST NAME: _____

COPY: ORIGINAL + 1

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

PAGE 01 OF 01 PAGES

THE WHITE HOUSE
WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination under Subsection 402(d)(1) of the
Trade Act of 1974, as Amended: **7** Continuation of
Waiver Authority

~~Public Law 93-619, 88 Stat. 1978~~

19 USC 2432(a)(1) ①

✓ Pursuant to subsection 402(d)(1) of the Trade Act of 1974, as amended, (the "Act") ① I determine that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waiver applicable to Vietnam will substantially promote the objectives of section 402 of the Act.

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

THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), with respect to a further twelve-month extension of the authority to waive subsections (a) and (b) of section 402 of the Act. This document constitutes my recommendation to continue in effect this waiver authority for a further twelve-month period, and includes my reasons for determining that continuation of the waiver authority and the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act. ~~I will submit separate reports with respect to the People's Republic of China and Republic of Belarus.~~

Sincerely,

The Honorable J. Dennis Hastert
Speaker of the
House of Representatives
Washington, D.C. 20515-6501

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), with respect to a further twelve-month extension of the authority to waive subsections (a) and (b) of section 402 of the Act. This document constitutes my recommendation to continue in effect this waiver authority for a further twelve-month period, and includes my reasons for determining that continuation of the waiver authority and of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act. ~~I will submit separate reports with respect to the People's Republic of China and Republic of Belarus.~~

Sincerely,

The Honorable Albert A. Gore, Jr.
President of the Senate
Washington, D.C. 20510

To extend the waiver, you must determine that this action will substantially promote freedom of emigration from Vietnam. In our view, continuation of the waiver for another 12-month period will do so. ⁴ Your Determination will also provide for the further extension of waiver authority granted by section 402 of the Act which will substantially promote the objectives of section 402 of the Act. ✓ ✓

RECOMMENDATION

That you sign the letters to Congress at Tab A and the Presidential Determination at Tab B.

Attachments

Tab A Letters to Congress
Tab B Presidential Determination
Tab C Report to Congress

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

3555

May 26, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER
GENE SPERLING

THROUGH: KENNETH G. LIEBERTHAL *KL*

FROM: RAVIC HUSO *RH*

SUBJECT: Presidential Determination to Extend Jackson-
Vanik Waiver Authority for Vietnam

Attached at Tab 1 is a memorandum to the President concerning a determination to extend the waiver for Vietnam of the Jackson-Vanik amendment. **The President has until June 3 to transmit to Congress his determination** or the waiver will expire on July 3, ending Vietnam's eligibility for certain U.S. Government credit and investment guarantee programs.

The only legal requirement that must be met is for the President to determine that a waiver extension will substantially promote freedom of emigration from Vietnam.

Concurrence by: Jock Scharfen *JS*, Wendy Patten *WP*, Dan Shapiro *DS* and
John Duncan *JD* (Trade Task Force)

RECOMMENDATION

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

Attachments

Tab I Memorandum to the President

Tab A ~~Message to Congress~~ *Letters to Congress*

Tab B Presidential Determination

Tab C Report to Congress

Tab II Incoming Correspondence

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
GENE SPERLING
CHARLES M. BRAIN

SUBJECT: Extension of Jackson-Vanik Waiver Authority for
Vietnam

Purpose

Extend the Jackson-Vanik waiver for Vietnam.

Background

Under Section 402 of the Trade Act of 1974, as amended, you have until June 3 to transmit to Congress a determination extending the waiver for Vietnam of the Jackson-Vanik amendment. Without this determination, the waiver will expire on July 3, ending Vietnam's eligibility for certain U.S. Government credit and investment guarantee programs. While a Jackson-Vanik waiver is also a prerequisite for NTR, Vietnam will not be eligible for NTR until we finalize, and Congress approves, the bilateral trade agreement we negotiated last year but which Vietnam has not yet signed.

Since your decision last June to continue the waiver, Vietnam has worked cooperatively with us to complete processing of the caseload of existing refugee programs. We ~~recently~~ established a Refugee Resettlement Unit at our Consulate General in Ho Chi Minh City to carry out these programs and to respond to cases of recent persecution that are of special interest to the United States. We continue to press Vietnam on the importance of continued cooperation on emigration, and we will not consider any refugee programs ~~to be~~ closed until we have an acceptable accounting of each case. ^{our} _{STY}

cc: Vice President
Chief of Staff

To extend the waiver, you must determine that this action will substantially promote freedom of emigration from Vietnam. In our view, continuation of the waiver for another 12-month period ~~would achieve this goal~~ *will do so.*

RECOMMENDATION

That you sign the message to Congress at Tab A and the Presidential Determination at Tab B, and ~~approve transmitting the Report to Congress at Tab C.~~

Attachments

Tab A ~~Message to Congress~~

Tab B Presidential Determination

Tab C Report to Congress

~~Tab II Incoming Correspondence~~

Letters to Congress

*Provide for the further extension of waiver Authority granted by
Your Determination will also ~~Further~~ extension of waiver Authority granted by
Section 402 of the ACT which will substantially promote the objectives of
Section 402 of the Act.*

After a slow start, processing of eligible cases under the ROVR program accelerated dramatically in 1998, continued in 1999, and is now near to completion. As of May 2000, the GVN had cleared for interview 20,530 individuals, which represents 98 percent of ROVR applicants. Applicants cleared for interview by the GVN must gather necessary documents to support their applications and be scheduled for a screening interview that determines the applicant's qualifications by the Immigration and Naturalization Service (INS). The INS has approved 16,254 for admission to the United States, 15,586 of whom have departed for the United States. An additional 355 individuals await INS interview. The majority of these are individuals who neither the GVN nor the United States Government are able to locate or contact; others have been contacted but have declined to attend the clearance interview.

Completion of the Former Re-education Camp Detainees program, known popularly as the "HO" program, remains a high priority. To be eligible for this program, applicants must have been detained for at least three years in a re-education camp because of their association with the United States or the former South Vietnamese government. As of May 2000, there were 146 HO cases (comprising about 750 persons) that the GVN had not yet cleared for interview.

A sub-group of the HO program consists of applicants covered by the "McCain Amendment." These applicants are persons over the age of 21 who are the sons and daughters of former re-education camp detainees who were approved for admission as refugees on or after April 1, 1995. At the end of Fiscal Year 1999, 275 McCain cases (comprising 1,195 individuals) remained to be processed under the Amendment's original provisions. As a result of 1999 modifications to the legislation, the total caseload currently being processed for consideration for resettlement has risen to 1,210 cases (comprising 3,292 individuals).

The GVN also continues to cooperate on refugee cases involving Montagnards, a term commonly used to identify members of ethnic minorities who traditionally have lived in highland areas. Of the 99 current cases, the GVN has cleared for interview 53 cases comprising 404 individuals. The United States Government will continue to press the GVN to process Montagnard refugee cases, including those the GVN has not cleared for interview.

The United States Government is also committed to interview those individuals eligible for the ODP sub-program for former United States Government employees who did not receive

interviews because of the 1996 suspension of the program by the United States. The United States Government is currently reviewing case files that were not processed prior to the 1996 suspension. The GVN agreed to our request to resume this program, and we anticipate that interviews will begin by end of the year 2000.

The GVN also continued to cooperate in the timely processing of current non-refugee immigrant visa cases. Prior to August 1999, U.S. diplomatic and consular posts in Vietnam did not issue immigrant visas and most categories of visitor visas. The United States Embassy in Bangkok, Thailand, provided these services. Currently, the U.S. Consulate General in Ho Chi Minh City, Vietnam is issuing all categories of visas while the United States Embassy in Hanoi issues only non-immigrant visas. In the first half of Fiscal Year 2000, our consular sections issued 6,823 immigrant visas and 2,259 non-immigrant visas. The Department of State anticipates that demand in Vietnam for immigrant and non-immigrant visas will grow.

The United States will not consider our refugee programs to be completed until the last applicant has had the opportunity to be interviewed, or we have an acceptable accounting of each case. United States Government officials both in Washington and Vietnam will continue to press the GVN at every level to authorize interviews for all those who registered to be interviewed for resettlement in the United States as refugees.

These efforts, together with the extension of the Jackson-Vanik waiver, will encourage the Vietnamese to further liberalize their emigration policy and to continue to resolve procedural issues that affect our refugee and immigration programs.

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

Pursuant to subsection 402(d)(1) of the Trade Act of 1974 (hereinafter the "Act"), as amended, having determined that further extension of the waiver authority granted by subsection 402(c) of the Act for 12 months will substantially promote the objectives of section 402, I have today determined that continuation of the waiver currently applicable to Vietnam will also substantially promote the objectives of section 402 of the Act. My determination is attached and incorporated herein.

Freedom of Emigration Determination

Overall, Vietnam's emigration policy has liberalized considerably in the last decade and a half. Vietnam has a solid record of cooperation with the United States ~~in permitting~~ Vietnamese ~~to emigrate~~. Over 500,000 Vietnamese have emigrated as refugees or immigrants to the United States under the Orderly Departure Program (ODP), and only a small number of refugee applicants remain to be processed.

The Government of Vietnam (GVN) cooperates with the United States Government to process applicants under ODP and the Resettlement Opportunities for Vietnamese Returnees (ROVR) program. The GVN issues passports and exit permits to Vietnamese approved for admission to the United States and, in the case of ROVR applicants, expedites the departure clearance process. In FY 1999, we completed processing of the majority of ODP and ROVR cases.

On September 30, 1999, the Department of State closed the ODP office in Bangkok, Thailand and opened the Refugee Resettlement Section (RRS) at the United States Consulate General in Ho Chi Minh City, Vietnam. The RRS will continue to process the small number of remaining ODP and ROVR cases. The anticipated completion of ODP and ROVR programs in 2000 will not mean the end of U.S. refugee processing in Vietnam. The RRS will remain to implement a new, in-country program to address the rescue needs of individuals who have suffered recent persecution or who have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

After a slow start, processing of eligible cases under the ROVR program accelerated dramatically in 1998, continued in 1999, and is now near to completion. As of May 2000, the GVN had cleared for interview 20,530 individuals, which represents 98 percent of ROVR applicants. Applicants cleared for interview by the GVN must gather necessary documents to support their applications and be scheduled for a screening interview that determines the applicant's qualifications by the Immigration and Naturalization Service (INS). The INS has approved 16,254 for admission to the United States, 15,586 of whom have departed for the United States. An additional 355 individuals await INS interview. The majority of these are individuals who neither the GVN nor the U.S. Government has been able to locate or contact; others have been contacted but have declined to attend the clearance interview. *Small*

Completion of the Former Re-education Camp Detainees program, known popularly as the "HO" program, remains a high priority. To be eligible for this program, applicants must have been detained for at least three years in a re-education camp because of their association with the United States or the former South Vietnamese government. As of May 2000, there were 146 HO cases (comprising about 750 persons) that the GVN had not yet cleared for interview. *Applicants*

A sub-group of the HO program consists of applicants covered by the "McCain Amendment." *X* These are persons over the age of 21 who are the sons and daughters of former re-education camp detainees who were approved for admission as refugees on or after April 1, 1995. At the end of Fiscal Year 1999, 275 McCain cases (comprising 1,195 individuals) remained to be processed under the Amendment's original provisions. As a result of 1999 modifications to the legislation, the total caseload currently being processed for consideration for resettlement has risen to 1,210 cases (comprising 3,292 individuals).

The GVN also continues to cooperate on refugee cases involving Montagnards, a term commonly used to identify members of ethnic minorities who traditionally have lived in highland areas. Of the 99 current cases, the GVN has cleared for interview 53 cases comprising 404 individuals. The U.S. Government will continue to press the GVN to process Montagnard refugee cases, including those the GVN has not cleared for interview.

The U.S. Government is also committed to interview those individuals eligible for the ODP sub-program for former U.S. Government employees who did not receive interviews because of the 1996 suspension of the program by the United States. The

Spillat
U.S. Government is currently reviewing case files that were not processed prior to the 1996 suspension. The GVN has agreed to our request to resume this program, and we anticipate that interviews will begin by end of the year 2000.

The GVN also has continued to cooperate in the timely processing of current non-refugee immigrant visa cases. Prior to August 1999, U.S. diplomatic and consular posts in Vietnam did not issue immigrant visas and most categories of visitor visas. The U.S. Embassy in Bangkok, Thailand, provided these services. Currently, the U.S. Consulate General in Ho Chi Minh City, Vietnam is issuing all categories of visas while the U.S. Embassy in Hanoi issues only non-immigrant visas. In the first half of Fiscal Year 2000, our consular sections issued 6,823 immigrant visas and 2,259 non-immigrant visas. The Department of State anticipates that demand in Vietnam for immigrant and non-immigrant visas will grow. Spillat

The United States will not consider our refugee programs to be completed until the last applicant has had the opportunity to be interviewed, or we have an acceptable accounting of each case. U.S. Government officials both in Washington and Vietnam will continue to press the GVN at every level to authorize interviews for all those who registered to be interviewed for resettlement in the United States as refugees.

These efforts, together with the extension of the Jackson-Vanik waiver, will encourage the Vietnamese to further liberalize their emigration policy and to continue to resolve procedural issues that affect our refugee and immigration programs.

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

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

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

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

*Congress NOT
IN SESSION Required
Letters to SPEAKER/PRESIDENT*

TO THE CONGRESS OF THE UNITED STATES:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the "Act"), as amended, with respect to the continuation of a waiver of the application of subsections (a) and (b) of section 402 of the Act to Vietnam. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

THE WHITE HOUSE,

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 0003555
RECEIVED: 25 MAY 00 16

TO: BRADTKE

FROM: KENNEY, K

DOC DATE: 25 MAY 00
SOURCE REF: 200009540

KEYWORDS: VIETNAM
CONGRESSIONAL

INTL TRADE

PERSONS:

SUBJECT: DETERMINATION TO EXTEND JACKSON - VANIK WAIVER AUTHORITY FOR VIETNAM

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 31 MAY 00 STATUS: S

STAFF OFFICER: HUSO

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

HUSO

FOR CONCURRENCE

BAKER
DUNCAN
LACKEY

FOR INFO

BRAINARD, L
EXECSEC
FICKLIN
LIEBERTHAL
SCHWARTZ

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDBG

CLOSED BY:

DOC 1 OF 1

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