

105th Congress, 2d Session - - - - - House Document 105-263

EXTENSION OF WAIVER AUTHORITY FOR VIETNAM

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF HIS DETERMINATION THAT A WAIVER OF THE APPLICATION OF SUBSECTIONS 402 (a) AND (b) OF THE TRADE ACT OF 1974 WITH RESPECT TO VIETNAM WILL SUBSTANTIALLY PROMOTE THE OBJECTIVES OF SECTION 402 (PRESIDENTIAL DETERMINATION 98-27), PURSUANT TO 19 U.S.C. 2432 (c) AND (d).



JUNE 3, 1998.—Message and accompanying papers referred to the Committee on Ways and Means and ordered to be printed

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WASHINGTON : 1998

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 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.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1998.*

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 over the last 10–15 years. Under the Orderly Departure Program (ODP), over 480,000 Vietnamese have entered the United States.

There has been too little time since the Jackson-Vanik waiver for Vietnam was granted on March 9 for there to have been far-reaching changes in Vietnam's migration policies. Nonetheless, in general, Vietnam has continued to make progress.

The Government of Vietnam's (GVN) performance on its commitments under the Resettlement Opportunity for Vietnamese Returnees (ROVR) program has continued to improve since October 1997 when it eliminated the requirement for applicants to obtain exist permits prior to interview by the Immigration and Naturalization Service (INS). To date it has located, contacted, screened and authorized for interview 78% (over 14,500 persons) of the approximately 18,500 persons potentially eligible for ROVR. As of April 27, 2,133 persons who qualified for ROVR benefits had departed for the United States, demonstrating that the GVN is honoring its commitment to permit these individuals to leave Vietnam.

Vietnam also has been providing us with an accounting for those persons it had not previously cleared for interview. Of the 3,003 persons not cleared for INS interviews in February 1998, 1,900 are now cleared; additional information or clearance is still pending for the remaining 1,103. Of this number, the GVN did not have current addresses for about 40%; another 18% were reported to have resettled elsewhere or to have decided to remain in Vietnam. We expect a significant number of these persons will be cleared for interview once we provide the GVN with more information. There remain about 2,596 individuals about whom the GVN has not provided us any information; however, we anticipate most of these individuals will be cleared for interview as well. At the present rate of processing, we expect the INS will complete most of the ROVR interviews by November 1998.

The GVN's cooperation in permitting the timely processing of most other current non-refugee immigrant visa cases also has continued to be good. In 1997, 15,700 immigrant visas were issued to

Vietnamese under ODP. The State Department expects to issue more than 18,000 immigrant visas in 1998.

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

We have stepped up our efforts to press the Vietnamese to resolve these outstanding cases as part of our ongoing dialogue on emigration issues. Ambassador Peterson and State Department officials in Washington have met with their Vietnamese counterparts to impress upon them the need for immediate improvement in these areas. The issue of discriminatory treatment of ethnic minorities such as the Montagnards, including the denial of access to U.S. departure programs, was placed on the agenda of the most recent round of the ongoing U.S.-Vietnam bilateral human rights dialogue held May 26. Given the substantial progress we have achieved with the GVN in the ROVR program, we are hopeful that the GVN will continue to cooperate with us in resolving these issues.

THE WHITE HOUSE,
Washington, June 3, 1998.

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*.

WILLIAM J. CLINTON.

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