

CONTINUATION OF WAIVER UNDER THE  
TRADE ACT OF 1974 WITH RESPECT TO VIETNAM

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COMMUNICATION

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

NOTIFICATION OF HIS DETERMINATION THAT CONTINUATION OF  
THE WAIVER CURRENTLY IN EFFECT FOR VIETNAM WILL SUB-  
STANTIALLY PROMOTE THE OBJECTIVES OF SECTION 402 OF  
THE TRADE ACT OF 1974, PURSUANT TO 19 U.S.C. 2432 (c) AND  
(d)



JUNE 6, 2000.—Referred to the Committee on Ways and Means and  
ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE



THE WHITE HOUSE,  
*Washington, June 2, 2000.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

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 12-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 12-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,

WILLIAM J. CLINTON.



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 a 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.



[Presidential Determination No. 2000-21]

THE WHITE HOUSE,  
*Washington, June 2, 2000.*

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 J. CLINTON.

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