

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

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF HIS DETERMINATION THAT A CONTINUATION
OF A WAIVER CURRENTLY IN EFFECT FOR VIETNAM WILL SUB-
STANTIALLY PROMOTE THE OBJECTIVES OF SECTION 402, OF
THE TRADE ACT OF 1974 (PRESIDENTIAL DETERMINATION 2001-
17), PURSUANT TO 19 U.S.C. 2432(c) AND (d)



JUNE 5, 2001.—Referred to the Committee on Ways and Means and
ordered to be printed

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THE WHITE HOUSE,
Washington, June 1, 2001.

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

DEAR MR. SPEAKER: I hereby transmit a report including my reasons for determining that continuation of the waiver currently in effect for Vietnam under subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), will substantially promote the objectives of section 402 of the Act.

Sincerely,

GEORGE W. BUSH.

[Presidential Determination No. 2001-17]

THE WHITE HOUSE,
Washington, June 1, 2001.

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 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*.

GEORGE W. BUSH.

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 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 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 continues to process the small number of remaining ODP and ROVR cases. 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, is also managed by the RRS.

As of May 11, 2001, the GVN has cleared for interview all but 73 of the nearly 21,000 individuals who applied for consideration under the ROVR program. Applicants cleared for interview by the GVN must gather necessary documents to support their applications and be scheduled for an interview with the Immigration and Naturalization Service (INS). The INS has approved 17,168 for admission to the United States, 16,163 of whom have departed to the United States. An additional 21 individuals await INS 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 reeducation camp because of their association with the United States or the former South Vietnamese government. As of May 2001, there were 78 HO cases (comprising 331 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 and for various reasons were not included on their parents' cases. As the result of extensions and modifications to the legislation since its initial passage in October 1996, several thousand adult children of re-education detainees have been able to join their parents in the United States. The number of children eligible for processing in this category changes constantly as new applications are received and others are processed and depart for the United States. As of May 11, 2001, nearly 700 cases (comprising some 1,700 individuals) remain to be processed for resettlement under this program.

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 85 active cases in this category, 37 cases (consisting of 333 people) remain to be cleared for interview. The United States Government will continue to press the GVN to clear for interview and processing the remaining Montagnard refugee cases.

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. In November 2000, we completed the review of the files of applicants who had not been processed under this category and determined that 940 applicants are eligible for interview. We have sought reconfirmation from the Vietnamese of authorization to proceed with the program and are awaiting their response. We anticipate interviews under this program will commence later this year.

The GVN also continues to cooperate in the timely processing of current non-refugee immigrant visa cases. The first half of fiscal year 2001, our consular sections issued 9,259 immigrant visas and 6,596 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.

