



MINISTRY OF INDUSTRY AND TRADE
THE SOCIALIST REPUBLIC OF VIETNAM

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Hanoi, 5 March, 2009

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
United States House of
Representatives
Washington, DC 20515

The Honorable John Boehner
Minority Leader
United States House of
Representatives
Washington, DC 20515

Your Excellency Majority Leader Reid, Speaker Pelosi, and Minority Leaders McConnell and Boehner,

On behalf of the Ministry of Industry and Trade of Vietnam, I write to express Vietnam's concern regarding the provision contained in the Report for the Commerce, Justice, Science and Related Agencies that accompanies the Omnibus Appropriations Act of 2009. Vietnam understands that this legislation was approved by the U.S. House of Representatives last week and is currently being considered by the U.S. Senate. The provision of particular concern to Vietnam expresses an expectation that the U.S. Department of Commerce's Import Trade Administration will undertake "apparel imports monitoring," including apparel made in Vietnam, and assess "whether their state-run industries are illegally pricing products and dumping in the U.S. market." The Congress should delete this provision before finalizing its action on this legislation.

It is Vietnam's view that the monitoring contemplated by this language would violate the obligations of the United States toward Vietnam under the World Trade Organization. Under the WTO, the United States has an affirmative obligation to treat products of Vietnam no less favorably than those of any other WTO member. A monitoring measure would subject

apparel products made in Vietnam to harmful and discriminatory treatment which cannot be justified.

The U.S. Department of Commerce previously subjected apparel made in Vietnam to a temporary monitoring program, which was finally terminated in January. During the course of that measure, the Commerce Department concluded that there is no legitimate basis for allegations that apparel made in Vietnam is illegally-priced or dumped in the United States. The results are not surprising because Vietnam is abiding by its commitments as a member of the WTO and has a vibrant and independent apparel manufacturing sector. Yet because only Vietnam and its apparel industry were targeted for a unique and special monitoring system, a cloud of uncertainty hung over Vietnam's apparel industry. The U.S. customers were hesitant to do business with Vietnam.

The Vietnam's apparel industry would encounter a lot of difficulties because of a repetition of this discriminatory treatment, especially in these uncertain economic times. Vietnam shares the views of the G-20 that the nations of the world must not turn inward and must refrain from erecting new barriers to trade. The United States has appropriate trade remedy laws in place to provide all U.S. manufacturers, including U.S. apparel makers, with the tools they need to act if they believe there is unfair trade. That is the process that should be followed.

The Ministry of Industry and Trade of Vietnam appreciates your kind consideration of our views and looks forward to the elimination of the monitoring provision in your Report.



Nguyen Thanh Bien
Deputy Minister of Industry and Trade
The Socialist Republic of Vietnam