

105th Congress, 2d Session - - - - - House Document 105-264

EXTENSION OF WAIVER AUTHORITY FOR THE
REPUBLIC OF BELARUS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF HIS DETERMINATION THAT A CONTINUATION OF A WAIVER CURRENTLY IN EFFECT FOR THE REPUBLIC OF BELARUS WILL SUBSTANTIALLY PROMOTE THE OBJECTIVES OF SECTION 402, OF THE TRADE ACT OF 1974 (PRESIDENTIAL DETERMINATION 98-28), 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, as amended (the "Act"), with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act. 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 the Republic of Belarus will substantially promote the objectives of section 402 of the Act, and my reasons for such determination. I will submit separate reports with respect to Vietnam and the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1998.*

REPORT TO CONGRESS CONCERNING THE EXTENSION OF WAIVER
AUTHORITY FOR BELARUS

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 the Republic of Belarus will also substantially promote the objectives of section 402 of the Act. My determination is attached and is incorporated herein.

The waiver authority conferred by section 402 of the Act has permitted the United States to conclude and maintain in force, or to seek to conclude, bilateral commercial agreements with countries subject to Title IV of the Act, and has encouraged freedom of emigration in these countries. The reciprocal most-favored-nation (MFN) trade treatment and other provisions of the commercial agreement with Belarus enhance the ability of U.S. companies to compete in the Belarusian market. (Waiver authority would also allow U.S. Government credit and investment guarantees to support U.S. trade and investment activities in Belarus, but those programs have been suspended in Belarus due to the government's economic and human-rights policies.)

Soviet-era restrictions on emigration in Belarus have (with one exception, noted below) been dismantled, and existing restrictions are applied in a manner that allows free emigration. A law on entry and exit came into effect on January 1, 1994, that abolishes the former Soviet requirement of mandatory official permission for each trip abroad by authorizing Belarusians to receive passports containing "global" exit visas valid for one to five years and for travel to all countries. The Belarusian constitution of November 1996, although illegitimately adopted, nevertheless specifically grants citizens the right to leave and return as they wish. Applicants generally receive a passport and exit visa within two to three months of application, although widespread petty bribery often accelerates the processing period.

Soviet-era legislation restricting emigration by those with access to "state secrets" remains in force in Belarus. Citizens denied permission to emigrate on this basis are informed at the time of denial when they may reapply (usually two years). However, this restriction does not discriminate on the basis of ethnic identity. Neither the Belarusian League for Human Rights nor the Belarusian National Jewish Council reports excessive restrictions on the ability of citizens to emigrate.

I have concluded that continuing the waiver under section 402 of the Act in effect for Belarus will help preserve the gains already achieved on freedom of emigration and encourage further progress.

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 subsection 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 the Republic of Belarus 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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