

CONTINUATION OF WAIVER UNDER THE TRADE ACT
OF 1974 WITH RESPECT TO THE REPUBLIC OF
BELARUS

COMMUNICATION

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 DE-
TERMINATION 2002-21), PURSUANT TO 19 U.S.C. 2432



JUNE 4, 2002.—Referred to the Committee on Ways and Means and
ordered to be printed

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THE WHITE HOUSE,
Washington, June 3, 2002.

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 (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 the Republic of Belarus.

I have determined that such a waiver will substantially promote the objectives of section 402 and I have instructed the Secretary of State to provide a copy of that determination to the Speaker of the House of Representatives and the President of the Senate. The report also indicates that I have received the assurances with respect to the emigration practices of the Republic of Belarus required by section 402(c)(2)(B) of the Act.

Sincerely,

GEORGE W. BUSH.

[Presidential Determination No. 2002-21]

THE WHITE HOUSE,
Washington, June 3, 2002.

Memorandum for the Secretary of State.

Subject: Presidential Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority for the Republic of Belarus.

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 the Republic of Belarus will substantially promote the objectives of section 402 of the Act.

On my behalf, please transmit this determination to the Speaker of the House of Representatives and to the President of the Senate.

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 THE REPUBLIC OF 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. Exercise of 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 normal trade relations (NTR) trade treatment and other provisions of the commercial agreement with Belarus enhance the ability of U.S. companies to compete in the Belarusian market. (Exercise of the waiver authority with respect to Belarus would also allow United States Government credit and investment activities in Belarus, but those programs have been suspended in Belarus due to strong concerns over the Belarusian authorities' economic and human-rights policies.)

FREEDOM OF EMIGRATION DETERMINATION

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. None of the human-rights or Jewish organizations in Belarus report excessive restrictions on the ability of citizens to emigrate.

I have concluded that issuance of a waiver under Section 402 of the Act for Belarus will help preserve the gains already achieved on freedom of emigration and encourage further progress.

