

A REPORT CONCERNING A WAIVER OF JACKSON-
VANIK AMENDMENT FOR THE REPUBLIC OF BELARUS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION CONCERNING A WAIVER OF JACKSON-VANIK
AMENDMENT FOR THE REPUBLIC OF BELARUS, PURSUANT TO
19 U.S.C. 2432 (c) AND (d)



JULY 16, 2001.—Referred to the Committee on Ways and Means and
ordered to be printed

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THE WHITE HOUSE,
Washington, July 2, 2001.

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

DEAR MR. SPEAKER: I hereby transmit the report referred to in subsection 402(c)(2) of the Trade Act of 1974, with respect to a waiver of the application of subsections 402 (a) and (b) of that 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 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.

REPORT TO CONGRESS CONCERNING A WAIVER OF JACKSON-VANIK
AMENDMENT FOR THE REPUBLIC OF BELARUS

Pursuant to subsection 402(c)(2) of the Trade Act of 1974, as amended (hereinafter the "Act"), I shall issue today an Executive Order waiving the application of subsections (a) and (b) of section 402 of the Act with respect to the Republic of Belarus.

I wish to report to the Congress that I have made the determination required by subsection 402(c)(2)(A) of the Act and received assurances as required by section 402(c)(2)(B) 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 (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. (Exercise of the waiver authority with respect to Belarus would also allow the United States 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 strong concerns over the Belarusian authorities' 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 2 to 3 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 2 years). However, this restriction does not discriminate on the basis of ethnic identity. None of the human-rights or Jewish organizations in Belarus reports excessive restrictions on the ability of citizens to emigrate. The Secretary of State has received a letter, dated June 8, from Belarusian Ambassador to the United States, Valery Tsepkalo, assuring that Belarus will continue its commitment to free emigration policies.

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.

