

104th Congress, 1st Session - - - - - House Document 104-82

EXTENSION OF WAIVER AUTHORITY FOR THE
PEOPLE'S REPUBLIC OF CHINA

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF HIS DETERMINATION THAT A CONTINUATION
OF A WAIVER CURRENTLY IN EFFECT FOR THE PEOPLE'S RE-
PUBLIC OF CHINA WILL SUBSTANTIALLY PROMOTE THE OBJEC-
TIVES OF SECTION 402, OF THE TRADE ACT OF 1974, PURSUANT
TO 19 U.S.C. 2432 (c), (d)



JUNE 6, 1995.—Referred to the Committee on Ways and Means and
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LETTER OF TRANSMITTAL

THE WHITE HOUSE,
Washington, June 2, 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby submit 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 to the People's Republic of China. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my reasons for determining that continuation of the waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402 of the Act, and my determination to that effect.

Sincerely,

WILLIAM J. CLINTON.

REPORT TO THE CONGRESS CONCERNING THE EXTENSION OF WAIVER
AUTHORITY FOR THE PEOPLE'S REPUBLIC OF CHINA

Pursuant to subsection 402(d)(1) of the Trade Act of 1974 (hereinafter "the Act"), as amended, having determined that further extension of the waiver authority granted by subsection 402(c) of the Act for 12 months beginning July 3, 1995, will substantially promote the objectives of section 402, I have determined that continuation of the waiver currently applicable to China will also substantially promote the objectives of section 402 of the Act. My determination is attached and incorporated herein.

Freedom of Emigration Determination

China's relatively free emigration policies have continued during the past 12 months. In FY-1994, 20,891 U.S. immigrant visas were issued to Chinese nationals abroad, down about 18 percent from FY-1993. The numerical limitation under U.S. law for immigrants from China was fully subscribed. The figure of 20,891 includes only immigrant visas issued at U.S. consular offices abroad, and does not take into account adjustments of status at INS offices in the United States. During FY-1994, the decrease in immigrant visa issuances was due mainly to a much increased use of visa numbers at INS offices for adjustments of status by spouses and children of Chinese Student Protection Act (CSPA) beneficiaries.

In FY-1994, 115,660 U.S. visas were issued worldwide to tourists and business visitors from China, an approximate 12 percent decrease from the FY-1993 total of 131,261. The number of non-immigrant business and combination business/tourist visas issued to Chinese nationals decreased by almost 20 percent in FY-1994 (from 109,725 to 88,131), while the number of tourist visas increased by almost 28 percent (from 21,536 to 27,529). A decline in issuances does not reflect a decline in applications, which have steadily increased since late in the summer of 1994. There has been an increase of between 25 and 30 percent in applications in the last 7 months of 1994 over those of the same period in 1993.

Also in FY-1994, 18,955 student visas (including exchange student visas) were issued, down from the FY-1993 total of 19,973. The slight downturn in issuances is attributable in part to more scrutiny of sources of private funding, buttressed by greater anti-fraud activity, and a decreasing amount of institutional funding available.

The principal restraint on increased emigration continues to be the capacity and willingness of other nations to absorb Chinese immigrants, rather than Chinese policy. After considering all the relevant information, I have concluded that continuing the waiver will preserve the gains already achieved on freedom of emigration and encourage further progress.

THE WHITE HOUSE,
Washington, June 2, 1995.

[Presidential Determination No. 95-23]

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 subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waiver applicable to the People's Republic of China 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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