

EXTENSION OF WAIVER AUTHORITY FOR THE
REPUBLIC OF BELARUS

COMMUNICATION

FROM

THE SECRETARY, THE DEPARTMENT OF
STATE

TRANSMITTING

NOTIFICATION OF THE DETERMINATION THAT A WAIVER OF THE
APPLICATION OF SUBSECTIONS (a) AND (b) OF SECTION 402 OF
THE TRADE ACT OF 1974 WITH RESPECT TO THE REPUBLIC OF
BELARUS WILL SUBSTANTIALLY PROMOTE THE OBJECTIVES OF
SECTION 402, PURSUANT TO 19 U.S.C. 2432(c) AND (d)



JULY 11, 2005.—Referred to the Committee on Ways and Means and
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LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC., June 7, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House.

DEAR MR. SPEAKER: On behalf of the Secretary, we are transmitting to you the Presidential determination and Report to the Congress, 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 Belarus.

This document constitutes the Secretary's recommendation to continue this waiver for a further twelve-month period and includes her determination that continuation of the waiver currently in effect for Belarus will substantially promote the objectives of section 402 of the Act, and the reasons for such determination.

We hope that this information will be helpful to you and other Members of Congress. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

MATTHEW A. REYNOLDS,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: As stated.

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REPORT TO THE 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”), and the authority assigned to me by the President in his Executive Order 13346 Concerning Delegation of Certain Waiver, Determination, Certification, and Reporting Functions, dated July 8, 2004, I hereby recommend a further extension for twelve months of the waiver authority granted by subsection 402(c) of the Act. I have determined that such extension will substantially promote the objectives of section 402 of the Act, and that a continuation of the waiver currently applicable to 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 a bilateral trade relations agreement with Belarus. The reciprocal normal trade relations (NTR) trade treatment and other provisions of the trade 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 U.S. Government credit and investment activities in Belarus, but those programs have been suspended in Belarus due to strong concerns over the Belarusian authorities’ repressive economic and human rights policies.)

Freedom of Emigration Determination

The Belarusian Constitution of November 1996, although illegitimately adopted, nevertheless specifically grants citizens the right to leave and return as they wish. Soviet-era restrictions on emigration in Belarus have (with the exceptions 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 abolished the former Soviet requirement of mandatory official permission for each trip abroad by authorizing Belarusians to receive passports containing “global” exit stamps valid for one to five years and for travel to all countries. Applicants generally receive a passport and exit stamp within two to three months of application, although widespread petty bribery often accelerates the processing period. Once the traveler has this document, Belarusian law does not further restrict travel abroad; however, the authorities occasionally invalidated stamps that had been issued. For example, in 2004 the government imposed foreign travel bans on two opposition activists, later lifting one after the activist paid a fine for staging an unauthorized opposition march. In 2002, the Belarus Constitutional Court determined that the requirement to obtain an exit stamp was

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- 2 -

unconstitutional. The Belarusian government is obliged to abolish the requirement, but it has not done so yet.

President Lukashenko signed a decree March 9, 2005, on measures to combat trafficking in persons. While the decree appears to contain important anti-trafficking provisions, it also includes provisions that many fear could be used to place unwarranted barriers to foreign travel, including travel for temporary work and study. It is not yet clear if the new decree will have any effect on emigration, and we will monitor its implementation closely.

Soviet-era legislation restricting emigration by those with access to "state secrets" remains in force in Belarus, as do emigration restrictions on individuals involved in criminal investigations. These restrictions do not discriminate on the basis of ethnic identity. None of the human rights or Jewish organizations in Belarus report discriminatory restrictions limiting the ability of citizens to emigrate.

Granting a waiver will encourage the Government of Belarus to further engage on freedom of emigration issues. Over the next twelve months, we will continue to raise our concerns with the Government of Belarus about its emigration practices and implementation of the new anti-trafficking decree, noting that efforts to restrict emigration may result in revocation of NTR.

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Department of State
Office of the Secretary

Determination

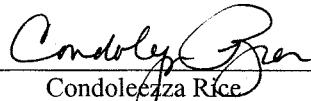
Under Subsection 402(d)(1) of the Trade Act of 1974, As Amended
Continuation of Waiver Authority for Belarus

Pursuant to the authority vested in the President under the Trade Act of 1974, as amended, Public Law 93-618, 88 Stat. 1978 (hereinafter "the Act"), and assigned to the Secretary of State by virtue of Section 1(a) of Executive Order 13346 of July 8, 2004, 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 Belarus will substantially promote the objectives of section 402 of the Act.

This determination shall be published in the Federal Register.

JUN 3 2005

Dated


Condoleezza Rice
Secretary of State