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NSC/RMO PROFILE

RECORD ID: 9303970
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TO: CHRISTOPHER, W

CHRON FILE

FROM: PRESIDENT

DOC DATE: 02 JUN 93
SOURCE REF: PD 93-25

KEYWORDS: RUSSIA
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CONGRESSIONAL

ALBANIA
MONGOLIA
INTL TRADE

PERSONS:

SUBJECT: PD 93-25 RE DETERMINATION UNDER SECTION 402 OF TRADE ACT OF 1974 AS
AMENDED RE CONTINUATION OF WAIVER AUTHORITY

ACTION: PRES SGD PD 93-25

DUE DATE: 01 JUN 93 STATUS: C

STAFF OFFICER: SANNER

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DOC 4 OF 4

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E.O. 13526

White House Guidelines, September 11, 2006

By Ms NARA, Date 12/14/17

2015-0183-S

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ACTION DATA SUMMARY REPORT

RECORD ID: 9303970

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 SANNER	Z 93052819 PREPARE MEMO FOR LAKE
002 LAKE	Z 93060213 FWD TO PRES FOR SIG
003 PRESIDENT	Z 93060118 FOR SIGNATURE
003	X 93060219 PRES SGD PER WH EXEC CLERK
004	X 93060309 PRES SGD PD 93-25

DISPATCH DATA SUMMARY REPORT

<u>DOC</u>	<u>DATE</u>	<u>DISPATCH FOR ACTION</u>	<u>DISPATCH FOR INFO</u>
003	930601		VICE PRESIDENT
003	930601		WH CHIEF OF STAFF
004	930602	CHRISTOPHER, W	GROSSMAN, M
004	930602		MEIN, D
004	930602		DUSAULT, P
004	930602		GEISLER, R

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NATIONAL SECURITY COUNCIL
DISTRIBUTION RECEIPT

LOG 9303970
DATE 02 JUN 93

SUBJECT: PD 93-25 RE DETERMINATION UNDER SECTION 402 OF TRADE ACT OF 1974 AS
DOCUMENT CLASSIFICATION: UNCLASSIFIED

EXTERNAL DISTRIBUTION:	DATE	TIME	SIGNATURE
MR. WARREN CHRISTOPHER DEPT OF STATE 7TH FLOOR 2201 C STREET, NW WASHINGTON, DC	_____	_____	_____ COPY: 0 + 1 _____
MR. MARC GROSSMAN DEPARTMENT OF STATE ROOM 7224, MAIN STATE 2201 C STREET, NW WASHINGTON, DC 20520	_____	_____	_____ COPY: 2 _____
MR. DAVID MEIN AGENCY FOR INTL DEVELOPMENT ROOM 5945, NEW STATE 2201 C STREET, NW WASHINGTON, DC 20523	_____	_____	_____ COPY: 2 _____
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MR. RON GEISLER WH EXECUTIVE CLERK ROOM 5 OEOB	_____	_____	_____ COPY: 2 _____

DATE, TIME, SIGN THE RECEIPT AND RETURN TO: NSC, ROOM 379 OEOB

PAGE 01 OF 01 PAGES

THE WHITE HOUSE

WASHINGTON

June 2, 1993

Presidential Determination
No. 93-25

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Under Section 402(d)(1) of the
Trade Act of 1974, as Amended -- Continuation of
Waiver Authority

Pursuant to section 402(d)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2432(d)(1)) (hereinafter "the Act"), I determine that the further extension of the waiver authority granted by section 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waivers applicable to Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan 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 Clinton

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THE WHITE HOUSE

WASHINGTON

93 JUN 1 P9:57

June 1, 1993

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *Wm. M. G. for*

FROM: ANTHONY LAKE *✓*

SUBJECT: Extension of Jackson-Vanik Waiver Authority for
Russia and the other Newly Independent States,
Albania, Romania and Mongolia

Purpose

To extend Jackson-Vanik waiver authority and the waivers in effect for Albania, Romania, Mongolia, Russia and the Newly Independent States for an additional twelve month period.

Background

Jackson-Vanik waiver authority and waivers in effect come up for renewal every twelve months. Your waiver authority and the waivers in effect will expire on July 3 unless you transmit your recommendation for extension to the Congress by Thursday, June 3. The extension will allow continued Most-Favored-Nation tariff treatment for Albania, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russia and Ukraine and permit the extension of MFN status when appropriate to the other Newly Independent States and Romania. In addition, an extension is necessary to continue eligibility for U.S. government credit and investment guarantee programs including Commodity Credit Corporation credits, Eximbank, and OPIC programs for all the countries.

The determination you are making is that extending the waiver authority and the waivers in effect will substantially promote freedom of emigration in these countries. State and NSC staff believe that current circumstances warrant such a determination for all the countries. Emigration practices in Mongolia have become very open since the country's first free and fair elections in July 1990. Freedom of emigration continues in Albania and Romania. The governments of all twelve of the former Soviet Republics have provided assurances that they will support principles of freedom of emigration, have taken initial steps to liberalize emigration policies, and have stated an intention to enact suitable legislation protecting freedom of emigration. Nonetheless we are concerned about the human rights practices in three of these states: Uzbekistan, Tajikistan and Turkmenistan. We will use this year's waiver to put these states on notice that

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cc: Vice President
Chief of Staff

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White House Guidelines, September 11, 2006
By *W* NARA, Date *12/14*
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without improvement of human rights practices further extensions will be difficult.

No action by Congress is necessary to make the extension of the waiver authority effective. Congress may block the extension for any country or countries by adoption of a joint resolution within 60 days after July 3. Such a resolution would be enacted with the President's signature or by an override of his veto. We are not aware of Congressional opposition to the continuation of waivers for any of the countries except Azerbaijan. Armenian-American interest groups oppose granting MFN status to Azerbaijan, for which a waiver extension is necessary. Strong support for Armenia in Congress could result in approval of a joint resolution blocking a waiver extension for Azerbaijan. State and NSC staff strongly believe that seeking a waiver for Azerbaijan is warranted despite potential Congressional opposition. In our view continuation of the waiver for Azerbaijan will promote freedom of emigration and serve other U.S. interests in Azerbaijan, including our desire to support political and economic reform in the country, encourage progress in the Nagorno-Karabakh dispute and promote substantial U.S. business interests in Azerbaijan (primarily oil). In addition, we want to support Azerbaijan's pro-reform government.

A report to Congress (Tab B) outlines the Administration's justification for seeking continuation for the waivers now in effect. It will be forwarded to Congress with the Presidential Determination (Tab C) and the Transmittal letter to Congress (Tab A).

An NSC-led interagency group is now preparing options for your consideration on President Yeltsin's request that Russia be removed permanently from the provisions of Jackson-Vanik as well as other Cold War legislation. In the interim, it is necessary to seek extension of Russia's current waiver status. You also have received separate packages on a waiver for the People's Republic of China and a "full compliance" determination for Bulgaria.

RECOMMENDATION

That you sign the Transmittal Message to Congress (Tab A) and the Presidential Determination (Tab C).

Attachments

Tab A	Transmittal Message to Congress
Tab B	Report to Congress
Tab C	Presidential Determination

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REPORT TO CONGRESS CONCERNING
EXTENSION OF WAIVER AUTHORITY

Pursuant to subsection 402(d)(1) of the Trade Act of 1974, as amended (hereinafter "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, and that continuation of the waivers currently applicable to Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan 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 is an important means of strengthening mutually beneficial relations between the United States and the aforementioned countries. The waiver authority has permitted the United States to conclude and maintain in force bilateral commercial agreements with the majority of these countries. These agreements are fundamental elements in our political and economic relations with these nations. The reciprocal granting of Most-Favored-Nation (MFN) tariff treatment and other elements of these agreements enhance the ability of U.S. companies to compete in the relevant markets. Waiver authority has also allowed U.S. Government credit and investment guarantees to support U.S. trade and investment activities in these countries. These considerations clearly warrant this renewal of the waiver authority.

I believe that continuing the current waivers applicable to the following countries will substantially promote the objectives of section 402 of the Act.

Albania: Regulations on emigration have been liberalized. Passports are available to all citizens, and the practice of limiting them to specific countries of destination was abandoned in 1991. Freedom of emigration is enshrined in the draft of a new constitution, which is expected to be approved this summer.

Armenia: The government does not restrict emigration for policy reasons. The Yerevan Office of Visas and Registration (OVIR), however, continues to apply a Soviet-era policy of withholding passports to citizens lacking "invitations" for travel abroad. OVIR also impedes free travel through delays and various bureaucratic obstacles. Parliament is considering, but has not yet approved, a draft law on citizenship which would authorize new passports and effectively eliminate the need for the OVIR and exit visas.

Azerbaijan: The government has officially recognized freedom of emigration. Emigration is generally available, though owing to the conflict in Nagorno-Karabakh, some people of Armenian extraction residing in Azerbaijan have reported that they were refused permission to leave the country.

Belarus: The Soviet-era requirement that citizens obtain an exit visa before emigrating was strictly enforced in 1992, but was dropped as of January 1, 1993. An invitation from any relative or friend abroad is now deemed sufficient. Former Soviet procedures on emigration remain largely in effect, however, including legislation restricting emigration for five years by those with access to "state secrets." The Ministry of Interior has sent a draft law to the Belarusian parliament that would liberalize emigration requirements. Under the draft law, would-be emigrants denied under the "state secrets" provision would have the right to appeal the refusal to the Council of Ministers and, if refused again, to the Supreme Court. If denied by the Supreme Court, the individual could reapply after six months and demand a new investigation into the case.

Georgia: Emigration is unrestricted, although there are practical problems in areas of conflict, specifically in Abkhazia and South Ossetia. The Georgian Government provided notable assistance in facilitating the emigration of Jewish Georgians to Israel.

Kazakhstan: The Constitution of Kazakhstan provides for the right to emigrate. The right is respected in practice.

Kyrgyzstan: Kyrgyzstan does not have a law on emigration. Administrative procedures dating from the Soviet era require that citizens applying for passports must present a letter of invitation from the country to which they intend to emigrate. There were no reports, however, that citizens, after presenting such a letter, were denied a passport or an exit visa.

Moldova: Moldova has not passed a new emigration law, and Soviet legislation is theoretically still in effect, including the requirement of an exit visa. The Moldovan government, however, is currently reviewing all such legislation as part of a legal reform program. There are no known instances during the past twelve months in which anyone was denied permission to emigrate. As a result of fighting in the Transnistrian region, a number of Jewish refugees from the area decided to emigrate to Israel. Moldovan authorities were cooperative in expediting the issuance of travel documents to permit the refugees to depart quickly.

Mongolia: Since 1989 the Mongolian government has greatly liberalized emigration policies and regulations. Mongolian citizens no longer need to obtain permission from the government to travel abroad and all limitations on passport eligibility have been lifted. A large number of Mongolian Kazakhs have chosen to emigrate to newly independent Kazakhstan, and the Government of Mongolia has posed no obstacles to their departure.

Romania: The right to emigrate is constitutionally protected and not limited in practice, except in rare cases involving national security or criminal charges. No exit visa is required to leave Romania. Thousands of Romanians have left in recent years in search of economic opportunities in the West.

Russia: Statistics indicate that Russian citizens enjoy a de facto right to free emigration. In 1986, only 914 Jews were permitted to emigrate from the Soviet Union. This number jumped to approximately 196,000 by 1990, tapering to 177,000 in 1991 and 100,000 in 1992. This recent decline in Jewish emigration appears to result from fewer Jews deciding to leave rather than from government restrictions on emigration. While many local emigration officials are reportedly corrupt, Russia's central government appears committed to permitting free emigration.

Russia's new emigration law guarantees Russian citizens the right to emigrate freely and codifies emigration procedures. This law was originally passed by the USSR Supreme Soviet in 1991, but the Soviet and Russian governments decided to implement the law gradually through January 1, 1993.

Despite this progress, Russian citizens do not yet enjoy a full legal guarantee of free emigration. Full implementation of the law has now been delayed beyond January 1. Currently, emigration regulations are imprecise, generating considerable confusion among Russian officials and would-be emigrants. When the law is fully implemented, it will prevent persons from emigrating on two grounds: access to state secrets within the past five years and failure to receive permission to emigrate from spouses and parents who may be financially dependent on the prospective emigrant.

Tajikistan: Tajikistan has no law on emigration. A person who wishes to emigrate must proceed as if applying to travel abroad. Tajik nationals who wish to travel abroad must obtain an exit visa. Once settled abroad, the person is required to advise the Tajik interests section of the nearest Russian embassy or consulate of their emigration. This information is then passed to the Ministry of Internal Affairs in Tajikistan which either approves or disapproves the resettlement. Tajik officials indicate that emigrating nationals rarely make this notification, with little practical effect.

Since February 1990 there has been an exodus from Tajikistan of Russian-speaking people, including Jews and ethnic Germans. Passage of a Tajik language law, fear of the development of an Islamic state, and continued political instability associated with bitter civil strife hastened their departure. There are reports that some Russians have been denied permission to leave Tajikistan because of their particular professional expertise.

Turkmenistan: Most citizens of Turkmenistan are permitted to emigrate without undue restriction. Many Russians and other non-Turkmen residents left for other former Soviet republics during the past twelve months, and many members of the small Jewish community emigrated to Israel. Turkmenistan has applied controls to the movement of political figures and human rights activists. We are actively consulting with the government on correction of this violation of human rights.

Ukraine: The Ukrainian Cabinet of Ministers passed a resolution in late 1992 regarding new passport application procedures that abolished the former Soviet-era requirement that a would-be emigrant obtain an exit visa. Passports still may be denied to citizens possessing information deemed vital to Ukrainian national security. Reapplications are accepted every six months from individuals denied permission to emigrate, though a small number of applicants have been waiting for several years without favorable resolution of their cases.

Uzbekistan: The Constitution of Uzbekistan guarantees citizens free movement across the country's border. Although in some instances emigrants are delayed by long waits for passports and exit visas, most potential emigrants who can find a host country willing to accept them are able to emigrate. Uzbekistan has applied controls to the movement of political figures and human rights activists. We are actively consulting with the government on the correction of this violation of human rights.

I have concluded that continuing the section 402 waivers in effect for all of the above-mentioned countries will help preserve the gains already achieved on freedom of emigration and encourage further progress.

THE WHITE HOUSE

WASHINGTON

June 3, 1993

Dear Mr. Speaker:

I hereby transmit the documents referred to in section 402(d)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2432(d)(1) ("the Act")), with respect to a further 12-month extension of the authority to waive sections (a) and (b) of section 402 of the Act. These documents constitute my recommendation to continue in effect the waiver authority for a further 12-month period, and include my reasons for determining that continuation of the waiver authority and waivers currently in effect for Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402 of the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clinton", is written below the word "Sincerely,".

The Honorable Thomas S. Foley
Speaker of the
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

June 3, 1993

Dear Mr. President:

I hereby transmit the documents referred to in section 402(d)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2432(d)(1) ("the Act")), with respect to a further 12-month extension of the authority to waive sections (a) and (b) of section 402 of the Act. These documents constitute my recommendation to continue in effect the waiver authority for a further 12-month period, and include my reasons for determining that continuation of the waiver authority and waivers currently in effect for Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402 of the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clinton", written in a cursive style.

The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20510



United States Department of State

Washington, D.C. 20520

May 28, 1993

~~CONFIDENTIAL~~MEMORANDUM FOR ANTHONY LAKE
THE WHITE HOUSE

SUBJECT: Extension of Jackson-Vanik Waiver Authority
for Russia and the other New Independent
States, Albania, Romania, and Mongolia

The Secretary has asked me to convey to you his recommendation that the President's Jackson-Vanik waiver authority and the waivers in effect for Albania, Romania, Mongolia, and the New Independent States (NIS), namely Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan, be continued for an additional 12 month period. The waiver authority and waivers will expire on July 3 unless, by June 3, the President transmits to Congress his recommendation to extend this waiver authority.

Such an extension would allow continued Most-Favored-Nation (MFN) tariff treatment for Albania, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russia, and Ukraine and permit the extension, when appropriate, of MFN status to the other countries mentioned above. In addition, a waiver extension would continue eligibility for U.S. Government credit and investment guarantee programs for all of these countries.

President Yeltsin at the Vancouver summit requested that Russia be removed from the provisions of Jackson-Vanik. In response to that request, an interagency group is now preparing options for the President's consideration. In the interim, it is necessary to move ahead with extension of Russia's waiver.

Technically, the only determination the President must make is that extending the waiver authority and the waivers currently in effect will substantially promote freedom of emigration. Current circumstances warrant such a determination. Emigration practices in Mongolia have become very open since the country's first free and fair elections in July 1990. Freedom of emigration continues in Albania and Romania. Governments of all 12 of the former Soviet Republics have provided assurances that they will support principles of freedom of emigration, have taken initial steps to liberalize emigration policies, and have stated an intention to enact suitable legislation protecting freedom of emigration.

The waivers and related commercial agreements granting MFN trade treatment are important elements in our overall relations

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E.O. 13526

Department of State Guidelines, September 11, 2006
By: MA NARA, Date: 12/12/14

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with Albania, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russia, and Ukraine. Continuation of the waivers for Romania, Azerbaijan, Georgia, Tajikistan, Turkmenistan, and Uzbekistan allows the possibility of a future extension of MFN status to these nations, and is an important incentive for these governments to continue efforts to build democracy and improve the living conditions of their citizens. Jackson-Vanik waivers are also a condition for continuation of Commodity Credit Corporation, Export-Import Bank, and Overseas Private Investment Corporation investment and credit guarantee programs. These programs support American trade and investment activities in these countries.

We are disturbed by human rights abuses, including the imposition of selective controls on the movements of opposition political figures and human rights activists, in three Central Asian Republics of the NIS, namely Tajikistan, Turkmenistan and Uzbekistan. In informing the governments of these countries of our intention to seek waiver extensions for them this year, we intend to put them on notice that their human rights record continues to raise serious concern within the U.S. Government and that continuation of such policies will complicate future waiver extensions and the eventual granting of MFN status. In this way, we hope to use the waiver process as leverage to help correct human rights violations in these countries.

Under the terms of the Jackson-Vanik amendment, no action by Congress is necessary to make the extension of the waiver authority effective. Congress may block the extension for any country or countries by adoption, within 60 days after July 3, of a joint resolution which is enacted with the President's signature or by an override of his veto. The relevant waivers would expire 60 days after the enactment of such a resolution. Except for Azerbaijan, we are not aware of Congressional opposition to the continuation of waivers for these countries.

MFN status is not covered by Freedom Support Act restrictions on assistance to Azerbaijan. We have signed a commercial agreement with Azerbaijan which would allow us to extend MFN status to Azerbaijan. Actual extension of MFN status awaits ratification of the agreement by the Azerbaijani parliament. Armenian-American interest groups, as a result of the conflict between Armenians and Azeris in Nagorno-Karabakh, oppose a grant of MFN status to Azerbaijan. Strong support for Armenia exists in Congress and approval of a joint resolution blocking a waiver extension for Azerbaijan is a possibility. Despite potential opposition, continuation of the waiver for Azerbaijan will promote freedom of emigration and serve other U.S. interests in Azerbaijan, including our desire to encourage political and economic reform in the country.

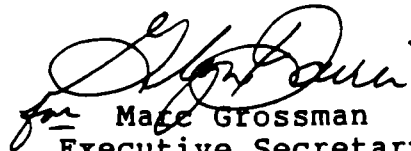
A separate memorandum on continuation of the waiver for the People's Republic of China has been sent to you for the President's consideration. A separate memorandum recommending a "full compliance" determination for Bulgaria, which currently has a waiver, was also previously provided for consideration.

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RECOMMENDATION

That the President sign and transmit to Congress, no later than June 3, the attached documents recommending the extension of his waiver authority under the Jackson-Vanik amendment and including his reasons for continuing the waivers now in effect for Russia and the other NIS, Albania, Mongolia, and Romania.


for Marc Grossman
Executive Secretary

Attachments:

- Tab 1 - Transmittal Message
- Tab 2 - Report to Congress Concerning Extension of Waiver Authority
- Tab 3 - Presidential Determination

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