

EXTENSION OF WAIVER AUTHORITY FOR
TURKMENISTAN

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

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



JUNE 3, 2004.—Referred to the Committee on Ways and Means and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

To the Congress of the United States:

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 Turkmenistan. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Turkmenistan will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 3, 2004.*

REPORT TO THE CONGRESS CONCERNING THE EXTENSION OF WAIVER
AUTHORITY FOR TURKMENISTAN

Pursuant to subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), I hereby recommend a further extension for 12 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 Turkmenistan 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 maintain in force a bilateral trade relations agreement with Turkmenistan. The reciprocal Normal Trade Relations (NTR) trade treatment and other provisions of the trade agreement with Turkmenistan enhance the ability of U.S. companies to compete in the Turkmen market. My determination is attached.

FREEDOM OF EMIGRATION DETERMINATION

After the attack on President Niyazov's motorcade in November 2002, Turkmenistan tightened control over travel outside the country. The Government of Turkmenistan made exit visas a requirement for travel and used the measure selectively against certain individuals to impede emigration. As a result, for the first time in 2003 Turkmenistan was not included in the semi-annual report on countries that are in compliance with the Jackson-Vanik freedom of emigration provisions. After assurances from the Government of Turkmenistan that the reimposition of exit visas was a temporary measure only, Turkmenistan received a Jackson-Vanik waiver in June 2003.

In spite of our efforts, the Government of Turkmenistan kept these restrictive measures in place throughout 2003. Earlier this year, the Government began to make progress in its exit measures, both legislatively and in practice. In January, the Government of Turkmenistan officially eliminated the exit visa requirement. In March, the President signed a decree pledging not to allow any obstacles to the free travel of Turkmen citizens. Although there are not official statistics available, our Embassy reports that there have been fewer incidents of people denied exit by the Government and that the large majority of Turkmen enjoy freedom of movement. However, we continue to raise concerns with the Government of Turkmenistan about its practice of restricting the ability to travel outside of Turkmenistan of select Turkmen citizens, primarily those whom the Government views as political agitators, through the use of a "blacklist" at air, land, and sea border crossings.

Although Turkmenistan has made progress, it should not be considered for a determination of full compliance at this time. Rather, I am recommending that the existing Jackson-Vanik waiver be ex-

tended for 12 months. A continuation of the waiver would substantially promote the freedom-of-emigration objectives of Jackson-Vanik. The Government of Turkmenistan has shown a renewed interest in engaging with the United States in all areas, evidenced by the recent easing of restrictions on movement, approved visits by Embassy officials to border points along the Iranian and Afghanistan borders, and increased access to Ministry officials. Granting a waiver will encourage the Government of Turkmenistan to further liberalize restrictions on freedom of emigration.

[Presidential Determination No. 2004-32]

THE WHITE HOUSE,
Washington, June 3, 2004.

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
for Turkmenistan

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 Turkmenistan will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the *Federal Register*.

GEORGE W. BUSH.

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