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EXTENSION OF WAIVER AUTHORITY FOR TURKMENISTAN

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 TURKMENISTAN 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 ordered to be printed

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LETTER OF TRANSMITTAL

U.S. DEPARTMENT OF STATE,
Washington, DC.

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

DEAR MR. SPEAKER: On behalf of the Secretary of State, we are transmitting to you a 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 Turkmenistan.

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 Turkmenistan 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.

UNCLASSIFIED

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"), and the authority assigned to me by the President in Executive Order 13346 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 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 agreement with Turkmenistan. The reciprocal normal trade relations (NTR) treatment and other provisions of the trade agreement with Turkmenistan enhance the ability of U.S. companies to compete in the Turkmen market.

Freedom of Emigration Determination

Turkmenistan was found compliant with Jackson-Vanik every year until 2003 when, in response to an armed attack on President Niyazov's motorcade in November 2002, the Government tightened control over movement outside of the country by imposing an exit visa requirement, which included restrictions on emigration. The Government officially removed the exit visa regime in January 2004, and freedom of movement, including freedom of emigration, is a reality for most Turkmen citizens.

The United States is concerned that, while the exit visa regime has officially been lifted, the Government continues to impede travel out of the country, including emigration, for a handful of individuals, specifically regime opponents and their family members. Relatives of opponents convicted in absentia who would like to emigrate and join their families who have received asylum abroad have not been allowed to do so. For example, people who are on the black list and try to leave the country have either been turned away at the airport, are visited by security services and told not to try to leave, or have had their passports taken away. However, in 2004 and early 2005 the Government continued to make progress with respect to its exit procedures. The estimated number of people denied exit, including for emigration purposes, from the country has fallen steadily within the past year from 18 percent to five percent or less. Some individuals included on a "blacklist" of select citizens not permitted to travel or emigrate, including members

of minority religious organizations and civil society leaders, have traveled internationally without unusual restrictions in the last year.

Although Turkmenistan has made progress, we do not believe that Turkmenistan should be considered for a determination of compliance at this time due to the Government's continued selective restrictions on emigration. Rather, a continuation of the waiver for an additional year would substantially promote the freedom of emigration objectives of Jackson-Vanik, as has been evident in the past year with its easing on restrictions on travel out of the country, including for emigration purposes. Granting a waiver will encourage the Government of Turkmenistan to further engage on freedom of emigration issues. Over the next twelve months, we will continue to raise our concerns with the Government of Turkmenistan at all levels about its selective, restrictive emigration practices.

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 Turkmenistan

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

This determination shall be published in the Federal Register.

JUN 13 2005
Dated

Condoleezza Rice
Secretary of State