

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)



SEPTEMBER 3, 2003.—Referred to the Committee on Ways and Means and ordered to be printed

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THE WHITE HOUSE,
Washington, August 8, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby transmit the document referred to in subsection 402(c)(2) of the Trade Act of 1974, as amended, with respect to a waiver of the application of subsections 402(a) and (b) of that Act to Turkmenistan.

I report in that document my determination that such a waiver will substantially promote the objectives of section 402. I have instructed the Secretary of State to provide a copy of that determination to the Speaker of the House of Representatives and President of the Senate. I have also provided a separate report, prepared by my Administration, indicating that I have received the assurances with respect to the emigration practices of Turkmenistan required by section 402(c)(2)(B) of that Act.

Sincerely,

GEORGE W. BUSH.

REPORT TO THE CONGRESS CONCERNING A WAIVER OF SUBSECTIONS
402(a) AND (b) OF THE TRADE ACT OF 1974—TURKMENISTAN

Consistent with subsection 402(c)(2) of the Trade Act of 1974, as amended (hereinafter the “Act”), the President has issued an Executive Order waiving the application of subsections (a) and (b) of section 402 of the Act with respect to Turkmenistan.

This determination is made consistent with subsection 402(c)(2)(A) of the Act and based on received assurances consistent with section 402(c)(2)(B) 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, or to seek to conclude, bilateral commercial agreements with countries subject to Title IV of the Act and has encouraged freedom of emigration in these countries.

Through the last reporting period, Turkmenistan generally complied with the specific emigration requirements of the Jackson-Vanik amendment to the Act (see Section 402(a) of the Act). Soviet-era restrictions on emigration were in large part dismantled, and existing restrictions did not impede free emigration. In a particularly positive development, the Government of Turkmenistan ended in 2002 a requirement that Turkmen citizens obtain an exit visa prior to traveling abroad.

In recent months, these gains have been reversed. Following a November 2002 attack on the motorcade of President Niyazov, the Government of Turkmenistan tightened control over travel outside of Turkmenistan. Effective March 1, 2003, the Government again made exit visas a requirement for travel and is using the measure selectively against individuals identified by the Government of Turkmenistan to impede their emigration. In addition, relatives of those accused in the November attack were prevented in some instances from leaving the country.

The Government of Turkmenistan insists that the re-imposition of exit visas is a temporary measure, based on security concerns related specifically to the November 2002 attack, and that this measure will be lifted. Given that the Government of Turkmenistan had previously lifted the exit visa requirement voluntarily, there is reason to believe it will do so again. For the first time in 6 months, the Government of Turkmenistan is beginning to engage with us in a positive manner, having authorized exit visas for two high-priority exchange program. We hope that further positive cooperation and policy developments will be possible in the next 6 months. We believe that granting a waiver will encourage the Government of Turkmenistan to move forward expeditiously with eliminating the exit visa regime and its selective application to certain individuals.

The President has concluded that issuance of a waiver under Section 402 of the Act for Turkmenistan will help resolve these re-

cent problems, preserve the gains already achieved on freedom of emigration, and encourage further progress.

EXECUTIVE ORDER

WAIVER UNDER THE TRADE ACT OF 1974 WITH RESPECT TO
TURKMENISTAN

By the authority vested in me as President by the Constitution and the laws of the United States of America, including subsection 402(c)(2) and (d) of the Trade Act of 1974, as amended (the "Act") (19 U.S.C. 2432 (c)(2) and (d)), and having made the report to the Congress set forth in subsection 402(c)(2), I hereby waive the application of subsections (a) and (b) of section 402 of the Act with respect to Turkmenistan.

GEORGE W. BUSH.

THE WHITE HOUSE, *August 8, 2003*.

