



Armenian National Committee of America
NATIONAL HEADQUARTERS

November 16, 2011

The Honorable Doc Hastings
Chairman
Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Edward Markey
Ranking Member
Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Hastings and Ranking Member Markey:

On behalf of our nation's citizens of Armenian heritage and many friends of Armenia from across our nation, I would like to express our appreciation for the opportunity to enter into the public record the Armenian National Committee of America's (ANCA) views on H.R.2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011. The ANCA is the largest grassroots organization representing Armenian Americans, with over 50 chapters and activists in every state.

As you consider this measure during the mark-up set for Thursday, November 17th, we ask you to keep in mind our serious moral and practical reservations, as well as the clear inequities and even potential violations of trade agreements that would be involved in its adoption. Our concerns fall into three areas:

1) This measure is morally wrong

The U.S. Congress should not extend special economic benefits to a country that remains an unrepentant perpetrator of genocide against millions of its own indigenous minorities, including Armenians, Greeks, Assyrians, and others.

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Today, it is criminal to even discuss Turkey's genocidal policies and these indigenous minorities continue to face persecution in Turkey. The U.S. Commission for International Religious Freedom has documented that the Turkish government's continued limitations on religious freedom are "threatening the continued vitality and survival of minority religious communities in Turkey." In 2009, Bartholomew I, the Ecumenical Christian Orthodox Patriarch of Constantinople, appeared on CBS's *60 Minutes* and reported that Turkey's Christians were second class citizens and that he personally felt "crucified" by a state that wanted to see his church die out. Just one example of many concerning the expropriation of land of minority populations includes Turkey's Supreme Court ruling this year transferring ownership of a substantial part of the ancient Syriac Christian Monastery of Mor Gabriel, dating back to 379 AD, to the state.

2) This measure would violate U.S. trade agreements

H.R.2362 would violate important obligations under our trade agreements and risk costly legal battles and needless conflict, which may disrupt important trading partnerships at a time of serious economic uncertainty.

The U.S. Congress should not risk potentially violating our nation's trade agreements by putting Turkey at the head of the line, materially benefiting Ankara at the expense of other countries that have been reliable and friendly allies of the United States. The bill contemplates giving Turkey an advantage regarding lease agreements that would last for 25 years and would be able to be renewed for two terms of 25 years each. This would be a very significant advantage for Turkey.

A recent Congressional Research Service report found that H.R.2362 could violate our obligations under NAFTA and the WTO General Agreement on Trade in Services (GATS).

The CRS report noted the WTO GATS contains a most-favored-nation requirement in Article II:1, which mandates that "[w]ith respect to any measures covered by this Agreement, each Member shall accord

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immediately and unconditionally to services and service suppliers of any other Member treatment no less favourable than that it accords to like services and service suppliers of any other country.” In addition, the report noted that Article 1103.1 of NAFTA also likely prohibits giving preferences to only Turkish businesses. It provides:

Each Party shall accord to investors of another Party treatment no less favorable than that it accords, in like circumstances, to investors of any other Party of or a non-Party with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments.

At the November 3rd House Subcommittee on Indian and Alaska Native Affairs hearing to consider H.R. 2361, several members asked witnesses why Turkey was getting special treatment. No meaningful response was given, other than that Turkey had shown an interest. It remains an open and unanswered question as to why Congress should give Turkey an advantage over other countries, such as Canada, that have not only shown a material interest, but have actually already entered into agreements with tribes.

3) This measure is politically counter-productive

The U.S. Congress should not reward Turkey when it has blockaded our landlocked ally Armenia for nearly 20 years, threatened the United States, if it discusses the Armenian Genocide, occupied our ally Cyprus, antagonized our ally Israel, suppressed its own Kurdish, Armenian, Greek, and Assyrian populations, prohibited freedom of expression, and increasingly undermined U.S. regional economic and security priorities.

For these reasons, we join with the American Hellenic Educational Progressive Association and many other Armenian and Hellenic civic society groups in calling upon you to please consider voting against and voicing your opposition to H.R.2362.

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We further ask that the Committee, as part of its consideration of this measure, please explore the following questions:

- 1) Why are businesses from other countries, which have already entered into lease agreements with Indian tribes, being excluded from H.R.2362?
- 2) What percentage of Indian tribes have been consulted on this bill? What percentage of them support providing incentives to only Turkish firms and excluding Canadian, Mexican, or other businesses?
- 3) In what ways does H.R.205 not address the concerns raised in H.R.2362? The Director of the Bureau of Indian Affairs testified that the Bureau had several concerns about H.R.2362, but supported H.R.205, which would the “foster the same goals identified in H.R.2362 on a broader scale.”

Thank you very much for this opportunity to share our views on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read 'KNA', with a long horizontal stroke extending to the right.

Kate Nahapetian
Government Affairs Director