

109TH CONGRESS
1ST SESSION

H. R. 1170

To authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2005

Mr. LEVIN (for himself, Mrs. MILLER of Michigan, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds that—

5 (1) Ukraine has adopted administrative proce-
6 dures that accord its citizens the right to emigrate,

1 travel freely, and to return to their country without
2 restriction, and has been found to be in full compli-
3 ance with the freedom of emigration requirements
4 under title IV of the Trade Act of 1974 since 1997;

5 (2) since reestablishing independence in 1991,
6 Ukraine has taken important steps toward the estab-
7 lishment of a genuine democracy, and the people of
8 Ukraine deserve praise for demonstrating a deep
9 commitment to democracy through peaceful civil ac-
10 tion;

11 (3) Ukraine has demonstrated a commitment to
12 adopting the full range of internationally recognized
13 core labor standards and to continue to improve the
14 effective enforcement of its laws reflecting such
15 standards;

16 (4) as a participating state of the Organization
17 for Security and Cooperation in Europe (OSCE),
18 Ukraine has committed to developing a system of
19 governance in accordance with the provisions of the
20 Final Act of the Conference on Security and Co-
21 operation in Europe (also known as the “Helsinki
22 Final Act”) and successive documents regarding
23 human rights and humanitarian affairs, including
24 respect for freedom of the media;

1 (5) Ukraine has endeavored to address issues
2 related to its national and religious minorities and,
3 as a member state of the OSCE, has committed to
4 adopting special measures for ensuring that persons
5 belonging to national minorities have full equality
6 both individually and communally;

7 (6) Ukraine has enacted legislation providing
8 protection against incitement to violence against per-
9 sons or groups based on national, racial, ethnic, or
10 religious discrimination, including anti-Semitism,
11 and has committed itself, including through a letter
12 to the President of the United States, to ensuring
13 freedom of religion and combating racial and ethnic
14 intolerance and hatred;

15 (7) Ukraine has continued to return communal
16 properties confiscated from national and religious
17 minorities during the Soviet era, facilitating the re-
18 emergence of these communities in the national life
19 of Ukraine, and remains committed, through a letter
20 to the President of the United States, to establishing
21 the legal framework for completion of this process in
22 the future;

23 (8) Ukraine has taken important steps toward
24 the creation of a free market economic system and
25 has received normal trade relations treatment since

1 concluding a bilateral trade agreement with the
2 United States that entered into force on June 23,
3 1992; and

4 (9) Ukraine is seeking admission to the World
5 Trade Organization, which would be a welcome step,
6 recognizing that many issues remain to be resolved,
7 including protection of intellectual property rights,
8 access for United States agricultural products, tariff
9 and excise tax reductions for goods (including auto-
10 mobiles), access for financial services providers of
11 the United States, elimination of export incentives
12 for industrial goods, and reform of customs proce-
13 dures and other nontariff barriers.

14 **SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF**
15 **THE TRADE ACT OF 1974 TO UKRAINE.**

16 (a) **PRESIDENTIAL DETERMINATION AND EXTEN-**
17 **SION OF UNCONDITIONAL AND PERMANENT NONDISCRIM-**
18 **INATORY TREATMENT.**—Notwithstanding any provision of
19 title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.),
20 the President may—

21 (1) determine that such title should no longer
22 apply to Ukraine; and

23 (2) after making a determination under para-
24 graph (1) with respect to Ukraine, proclaim the ex-
25 tension of unconditional and permanent nondiscrim-

1 inatory treatment (permanent normal trade relations
2 treatment) to the products of that country.

3 (b) **TERMINATION OF APPLICATION OF TITLE IV.**—

4 On and after the effective date of the extension under sub-
5 section (a)(2) of nondiscriminatory treatment to the prod-
6 ucts of Ukraine, chapter 1 of title IV of the Trade Act
7 of 1974 shall cease to apply to that country.

8 **SEC. 3. CONTINUED ENJOYMENT OF RIGHTS UNDER THE**

9 **JUNE 23, 1992, BILATERAL TRADE AGREE-**
10 **MENT.**

11 The Congress finds that the trade agreement between
12 the United States and Ukraine that entered into force on
13 June 23, 1992, remains in force between the 2 countries
14 and provides the United States with important rights, in-
15 cluding the right to use specific safeguard rules to respond
16 to import surges from Ukraine, recognizing that these
17 rights may terminate upon Ukraine's accession to the
18 WTO.

19 **SEC. 4. EXERCISE OF CONGRESSIONAL OVERSIGHT OVER**
20 **WTO ACCESSION NEGOTIATIONS.**

21 (a) **NOTICE OF AGREEMENT ON ACCESSION TO WTO**
22 **BY UKRAINE.**—Not later than 5 days after the date on
23 which the United States has entered into a bilateral agree-
24 ment with Ukraine on the terms of accession by Ukraine
25 to the World Trade Organization, the President shall so

1 notify the Congress, and the President shall transmit to
2 the Congress, not later than 15 days after that agreement
3 is entered into, a report that sets forth the provisions of
4 that agreement.

5 (b) CONGRESSIONAL OVERSIGHT RESOLUTION.—

6 (1) INTRODUCTION.—If a Congressional Over-
7 sight Resolution is introduced in the House of Rep-
8 resentatives or the Senate during the 30-day period
9 (excluding any day described in section 154(b) of the
10 Trade Act of 1974 (19 U.S.C. 2194(b)), beginning
11 on the date on which the President first notifies the
12 Congress under subsection (a) of the agreement re-
13 ferred to in that subsection, that Congressional
14 Oversight Resolution shall be considered in accord-
15 ance with this subsection.

16 (2) CONGRESSIONAL OVERSIGHT RESOLU-
17 TION.—In this subsection, the term “Congressional
18 Oversight Resolution” means only a joint resolution
19 of the two Houses of the Congress, the matter after
20 the resolving clause of which is as follows: “That it
21 is the sense of the Congress that the agreement be-
22 tween the United States and Ukraine on the terms
23 of accession by Ukraine to the World Trade Organi-
24 zation, of which Congress was notified on _____,
25 does not adequately advance the interests of the

1 United States.”, with the blank space being filled
2 with the appropriate date.

3 (3) PROCEDURES FOR CONSIDERING RESOLU-
4 TION.—The provisions of subparagraphs (B), (C),
5 and (D)(i) and (ii) of paragraph (5) of section
6 2103(c) of the Trade Act of 2002 shall apply to
7 Congressional Oversight Resolutions to the same ex-
8 tent as such provisions apply to resolutions under
9 such paragraph.

○