

## Union Calendar No. 454

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6156

[Report No. 112-632]

To authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2012

Mr. CAMP (for himself, Mr. LEVIN, Mr. BRADY of Texas, Mr. McDERMOTT, Mr. REICHERT, Mr. RANGEL, Mr. ROSKAM, Mr. BLUMENAUER, Mr. PAULSEN, and Mr. CROWLEY) introduced the following bill; which was referred to the Committee on Ways and Means

JULY 31, 2012

Additional sponsors: Mr. GRIMM, Mr. MULVANEY, Mr. BOUSTANY, Mr. ROKITA, and Mr. MEEKS

JULY 31, 2012

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **A BILL**

To authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, 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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
 5 “Russia and Moldova Jackson-Vanik Repeal Act of 2012”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—PERMANENT NORMAL TRADE RELATIONS FOR THE  
 RUSSIAN FEDERATION**

Sec. 101. Findings.

Sec. 102. Termination of application of title IV of the Trade Act of 1974 to  
 products of the Russian Federation.

**TITLE II—TRADE ENFORCEMENT MEASURES RELATING TO THE  
 RUSSIAN FEDERATION**

Sec. 201. Reports on implementation by the Russian Federation of obligations  
 as a member of the World Trade Organization and enforce-  
 ment actions by the United States Trade Representative.

Sec. 202. Promotion of the rule of law in the Russian Federation to support  
 United States trade and investment.

Sec. 203. Reports on laws, policies, and practices of the Russian Federation  
 that discriminate against United States digital trade.

Sec. 204. Efforts to reduce barriers to trade imposed by the Russian Federa-  
 tion.

**TITLE III—PERMANENT NORMAL TRADE RELATIONS FOR  
 MOLDOVA**

Sec. 301. Findings.

Sec. 302. Termination of application of title IV of the Trade Act of 1974 to  
 products of Moldova.

8 **TITLE I—PERMANENT NORMAL**  
 9 **TRADE RELATIONS FOR THE**  
 10 **RUSSIAN FEDERATION**

11 **SEC. 101. FINDINGS.**

12 Congress finds the following:

1           (1) The Russian Federation allows its citizens  
2           the right and opportunity to emigrate, free of any  
3           heavy tax on emigration or on the visas or other  
4           documents required for emigration and free of any  
5           tax, levy, fine, fee, or other charge on any citizens  
6           as a consequence of the desire of those citizens to  
7           emigrate to the country of their choice.

8           (2) The Russian Federation has been found to  
9           be in full compliance with the freedom of emigration  
10          requirements under title IV of the Trade Act of  
11          1974 (19 U.S.C. 2431 et seq.) since 1994.

12          (3) The Russian Federation has received nor-  
13          mal trade relations treatment since concluding a bi-  
14          lateral trade agreement with the United States that  
15          entered into force in 1992.

16          (4) On December 16, 2011, the Ministerial  
17          Conference of the World Trade Organization invited  
18          the Russian Federation to accede to the World  
19          Trade Organization.

20 **SEC. 102. TERMINATION OF APPLICATION OF TITLE IV OF**  
21 **THE TRADE ACT OF 1974 TO PRODUCTS OF**  
22 **THE RUSSIAN FEDERATION.**

23          (a) **PRESIDENTIAL DETERMINATIONS AND EXTEN-**  
24 **SION OF NONDISCRIMINATORY TREATMENT.**—Notwith-

1 standing any provision of title IV of the Trade Act of 1974  
2 (19 U.S.C. 2431 et seq.), the President may—

3 (1) determine that such title should no longer  
4 apply to the Russian Federation; and

5 (2) after making a determination under para-  
6 graph (1) with respect to the Russian Federation,  
7 proclaim the extension of nondiscriminatory treat-  
8 ment (normal trade relations treatment) to the prod-  
9 ucts of the Russian Federation.

10 (b) EFFECTIVE DATE OF NONDISCRIMINATORY  
11 TREATMENT.—The extension of nondiscriminatory treat-  
12 ment to the products of the Russian Federation pursuant  
13 to subsection (a) shall be effective not sooner than the ef-  
14 fective date of the accession of the Russian Federation to  
15 the World Trade Organization.

16 (c) TERMINATION OF APPLICABILITY OF TITLE  
17 IV.—On and after the effective date under subsection (b)  
18 of the extension of nondiscriminatory treatment to the  
19 products of the Russian Federation, title IV of the Trade  
20 Act of 1974 (19 U.S.C. 2431 et seq.) shall cease to apply  
21 to the Russian Federation.

1 **TITLE II—TRADE ENFORCEMENT**  
2 **MEASURES RELATING TO THE**  
3 **RUSSIAN FEDERATION**

4 **SEC. 201. REPORTS ON IMPLEMENTATION BY THE RUSSIAN**  
5 **FEDERATION OF OBLIGATIONS AS A MEMBER**  
6 **OF THE WORLD TRADE ORGANIZATION AND**  
7 **ENFORCEMENT ACTIONS BY THE UNITED**  
8 **STATES TRADE REPRESENTATIVE.**

9 (a) REPORTS ON IMPLEMENTATION.—

10 (1) IN GENERAL.—Not later than one year  
11 after the effective date under section 102(b) of the  
12 extension of nondiscriminatory treatment to the  
13 products of the Russian Federation, and annually  
14 thereafter, the United States Trade Representative  
15 shall submit to the Committee on Finance of the  
16 Senate and the Committee on Ways and Means of  
17 the House of Representatives a report assessing the  
18 following:

19 (A) The extent to which the Russian Fed-  
20 eration is implementing the WTO Agreement  
21 (as defined in section 2 of the Uruguay Round  
22 Agreements Act (19 U.S.C. 3501)) and the fol-  
23 lowing agreements annexed to that Agreement:

24 (i) The Agreement on the Application  
25 of Sanitary and Phytosanitary Measures

1 (referred to in section 101(d)(3) of the  
2 Uruguay Round Agreements Act (19  
3 U.S.C. 3511(d)(3))).

4 (ii) The Agreement on Trade-Related  
5 Aspects of Intellectual Property Rights (re-  
6 ferred to in section 101(d)(15) of the Uru-  
7 guay Round Agreements Act (19 U.S.C.  
8 3511(d)(15))).

9 (B) The progress made by the Russian  
10 Federation in acceding to, and the extent to  
11 which the Russian Federation is implementing,  
12 the following:

13 (i) The Ministerial Declaration on  
14 Trade in Information Technology Products  
15 of the World Trade Organization, agreed  
16 to at Singapore December 13, 1996 (com-  
17 monly referred to as the “Information  
18 Technology Agreement”) (or a successor  
19 agreement).

20 (ii) The Agreement on Government  
21 Procurement (referred to in section  
22 101(d)(17) of the Uruguay Round Agree-  
23 ments Act (19 U.S.C. 3511(d)(17))).

24 (2) PLAN FOR ACTION BY TRADE REPRESENTA-  
25 TIVE.—

1           (A) IN GENERAL.—If, in preparing a re-  
2           port required by paragraph (1), the Trade Rep-  
3           resentative believes that the Russian Federation  
4           is not fully implementing an agreement speci-  
5           fied in subparagraph (A) or (B) of that para-  
6           graph or that the Russian Federation is not  
7           making adequate progress in acceding to an  
8           agreement specified in subparagraph (B) of  
9           that paragraph, the Trade Representative shall,  
10          except as provided in subparagraph (B) of this  
11          paragraph, include in the report a description  
12          of the actions the Trade Representative plans to  
13          take to encourage the Russian Federation to  
14          improve its implementation of the agreement or  
15          increase its progress in acceding to the agree-  
16          ment, as the case may be.

17          (B) CLASSIFIED INFORMATION.—If any in-  
18          formation regarding a planned action referred  
19          to in subparagraph (A) is classifiable under Ex-  
20          ecutive Order 13526 (75 Fed. Reg. 707; relat-  
21          ing to classified national security information)  
22          or a subsequent Executive order, the Trade  
23          Representative shall report that information to  
24          the Committee on Finance of the Senate and



1 the Committee on Ways and Means of the  
2 House of Representatives by—

3 (i) including the information in a clas-  
4 sified annex to the report required by para-  
5 graph (1); or

6 (ii) consulting with the Committee on  
7 Finance and the Committee on Ways and  
8 Means with respect to the information in-  
9 stead of including the information in the  
10 report or a classified annex to the report.

11 (3) PUBLIC COMMENTS.—

12 (A) IN GENERAL.—In developing the re-  
13 port required by paragraph (1), the Trade Rep-  
14 resentative shall provide an opportunity for the  
15 public to comment, including by holding a pub-  
16 lic hearing.

17 (B) PUBLICATION IN FEDERAL REG-  
18 ISTER.—The Trade Representative shall publish  
19 notice of the opportunity to comment and hear-  
20 ing required by subparagraph (A) in the Fed-  
21 eral Register.

22 (b) REPORT ON ENFORCEMENT ACTIONS TAKEN BY  
23 TRADE REPRESENTATIVE.—Not later than 180 days after  
24 the effective date under section 102(b) of the extension  
25 of nondiscriminatory treatment to the products of the

1 Russian Federation, and annually thereafter, the United  
2 States Trade Representative shall submit to the Com-  
3 mittee on Finance of the Senate and the Committee on  
4 Ways and Means of the House of Representatives a report  
5 describing the enforcement actions taken by the Trade  
6 Representative against the Russian Federation to ensure  
7 the full compliance of the Russian Federation with its obli-  
8 gations as a member of the World Trade Organization,  
9 including obligations under agreements with members of  
10 the Working Party on the accession of the Russian Fed-  
11 eration to the World Trade Organization.

12 **SEC. 202. PROMOTION OF THE RULE OF LAW IN THE RUS-**  
13 **SIAN FEDERATION TO SUPPORT UNITED**  
14 **STATES TRADE AND INVESTMENT.**

15 (a) REPORTS ON PROMOTION OF RULE OF LAW.—  
16 Not later than one year after the effective date under sec-  
17 tion 102(b) of the extension of nondiscriminatory treat-  
18 ment to the products of the Russian Federation, and an-  
19 nually thereafter, the United States Trade Representative  
20 and the Secretary of State shall jointly submit to the Com-  
21 mittee on Finance of the Senate and the Committee on  
22 Ways and Means of the House of Representatives a re-  
23 port—

24 (1) on the measures taken by the Trade Rep-  
25 resentative and the Secretary and the results

1 achieved during the year preceding the submission of  
2 the report with respect to promoting the rule of law  
3 in the Russian Federation, including with respect  
4 to—

5 (A) strengthening formal protections for  
6 United States investors in the Russian Federa-  
7 tion, including through the negotiation of a new  
8 bilateral investment treaty;

9 (B) advocating for United States investors  
10 in the Russian Federation, including by pro-  
11 moting the claims of United States investors in  
12 Yukos Oil Company;

13 (C) encouraging all countries that are par-  
14 ties to the Convention on Combating Bribery of  
15 Foreign Public Officials in International Busi-  
16 ness Transactions of the Organisation for Eco-  
17 nomic Co-operation and Development, done at  
18 Paris December 17, 1997 (commonly referred  
19 to as the “OECD Anti-Bribery Convention”),  
20 including the Russian Federation, to fully im-  
21 plement their commitments under the Conven-  
22 tion to prevent overseas business bribery by the  
23 nationals of those countries;

1 (D) promoting a customs administration,  
2 tax administration, and judiciary in the Russia  
3 Federation that are free of corruption; and

4 (E) increasing cooperation between the  
5 United States and the Russian Federation to  
6 expand the capacity for civil society organiza-  
7 tions to monitor, investigate, and report on sus-  
8 pected instances of corruption; and

9 (2) that discloses the status of any pending pe-  
10 tition for espousal filed with the Secretary by a  
11 United States investor in the Russian Federation.

12 (b) ANTI-BRIBERY REPORTING AND ASSISTANCE.—

13 (1) IN GENERAL.—The Secretary of Commerce  
14 shall establish and maintain a dedicated phone hot-  
15 line and secure website, accessible from within and  
16 outside the Russian Federation, for the purpose of  
17 allowing United States entities—

18 (A) to report instances of bribery, at-  
19 tempted bribery, or other forms of corruption in  
20 the Russian Federation that impact or poten-  
21 tially impact their operations; and

22 (B) to request the assistance of the United  
23 States with respect to issues relating to corrup-  
24 tion in the Russian Federation.

25 (2) REPORT REQUIRED.—

1 (A) IN GENERAL.—Not later than one year  
2 after the effective date under section 102(b) of  
3 the extension of nondiscriminatory treatment to  
4 the products of the Russian Federation, and  
5 annually thereafter, the Secretary of Commerce  
6 shall submit to the Committee on Finance of  
7 the Senate and the Committee on Ways and  
8 Means of the House of Representatives a report  
9 that includes the following:

10 (i) The number of instances in which  
11 bribery, attempted bribery, or other forms  
12 of corruption have been reported using the  
13 hotline or website established pursuant to  
14 paragraph (1).

15 (ii) A description of the regions in the  
16 Russian Federation in which those in-  
17 stances are alleged to have occurred.

18 (iii) A summary of actions taken by  
19 the United States to provide assistance to  
20 United States entities pursuant to para-  
21 graph (1)(B).

22 (iv) A description of the efforts taken  
23 by the Secretary to inform United States  
24 entities conducting business in the Russian  
25 Federation or considering conducting busi-

1           ness in the Russian Federation of the  
2           availability of assistance through the hot-  
3           line and website.

4           (B) CONFIDENTIALITY.—The Secretary  
5           shall not include in the report required by sub-  
6           paragraph (A) the identity of a United States  
7           entity that reports instances of bribery, at-  
8           tempted bribery, or other forms of corruption in  
9           the Russian Federation or requests assistance  
10          pursuant to paragraph (1).

11 **SEC. 203. REPORTS ON LAWS, POLICIES, AND PRACTICES**  
12                   **OF THE RUSSIAN FEDERATION THAT DIS-**  
13                   **CRIMINATE AGAINST UNITED STATES DIG-**  
14                   **ITAL TRADE.**

15          Section 181(a) of the Trade Act of 1974 (19 U.S.C.  
16 2241(a)) is amended—

17           (1) by redesignating paragraph (3) as para-  
18           graph (4); and

19           (2) by inserting after paragraph (2) the fol-  
20           lowing:

21           “(3) INCLUSION OF CERTAIN DISCRIMINATORY  
22           LAWS, POLICIES, AND PRACTICES OF THE RUSSIAN  
23           FEDERATION.—For calendar year 2012 and each  
24           succeeding calendar year, the Trade Representative  
25           shall include in the analyses and estimates under

1 paragraph (1) an identification and analysis of any  
2 laws, policies, or practices of the Russian Federation  
3 that deny fair and equitable market access to United  
4 States digital trade.”.

5 **SEC. 204. EFFORTS TO REDUCE BARRIERS TO TRADE IM-**  
6 **POSED BY THE RUSSIAN FEDERATION.**

7 The United States Trade Representative shall con-  
8 tinue to pursue the reduction of barriers to trade imposed  
9 by the Russian Federation on articles exported from the  
10 United States to the Russian Federation through ef-  
11 forts—

12 (1) to negotiate a bilateral agreement under  
13 which the Russian Federation will accept the sani-  
14 tary and phytosanitary measures of the United  
15 States as equivalent to the sanitary and  
16 phytosanitary measures of the Russian Federation;  
17 and

18 (2) to obtain the adoption by the Russian Fed-  
19 eration of an action plan for providing greater pro-  
20 tections for intellectual property rights than the pro-  
21 tections required by the Agreement on Trade-Related  
22 Aspects of Intellectual Property Rights (re-  
23 ferred to in section 101(d)(15) of the Uruguay  
24 Round Agreements Act (19 U.S.C. 3511(d)(15))).

1 **TITLE III—PERMANENT NORMAL**  
2 **TRADE RELATIONS FOR**  
3 **MOLDOVA**

4 **SEC. 301. FINDINGS.**

5 Congress finds the following:

6 (1) Moldova allows its citizens the right and op-  
7 portunity to emigrate, free of any heavy tax on emi-  
8 gration or on the visas or other documents required  
9 for emigration and free of any tax, levy, fine, fee, or  
10 other charge on any citizens as a consequence of the  
11 desire of those citizens to emigrate to the country of  
12 their choice.

13 (2) Moldova has been found to be in full com-  
14 pliance with the freedom of emigration requirements  
15 under title IV of the Trade Act of 1974 (19 U.S.C.  
16 2431 et seq.) since 1997.

17 (3) Moldova acceded to the World Trade Orga-  
18 nization on July 26, 2001.

19 **SEC. 302. TERMINATION OF APPLICATION OF TITLE IV OF**  
20 **THE TRADE ACT OF 1974 TO PRODUCTS OF**  
21 **MOLDOVA.**

22 (a) **PRESIDENTIAL DETERMINATIONS AND EXTEN-**  
23 **SION OF NONDISCRIMINATORY TREATMENT.**—Notwith-  
24 standing any provision of title IV of the Trade Act of 1974  
25 (19 U.S.C. 2431 et seq.), the President may—



1           (1) determine that such title should no longer  
2           apply to Moldova; and

3           (2) after making a determination under para-  
4           graph (1) with respect to Moldova, proclaim the ex-  
5           tension of nondiscriminatory treatment (normal  
6           trade relations treatment) to the products of  
7           Moldova.

8           (b) TERMINATION OF APPLICABILITY OF TITLE  
9           IV.—On and after the date on which the President ex-  
10          tends nondiscriminatory treatment to the products of  
11          Moldova pursuant to subsection (a), title IV of the Trade  
12          Act of 1974 (19 U.S.C. 2431 et seq.) shall cease to apply  
13          to Moldova.

Union Calendar No. 454

112<sup>TH</sup> CONGRESS  
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[Report No. 112-632]

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## **A BILL**

To authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

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