

108TH CONGRESS
2D SESSION

H. R. 3958

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 11, 2004

Mr. LEVIN introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on International Relations, and 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 allows its citizens the right and op-
6 portunity to emigrate, free of anything more than a
7 nominal tax on emigration or on the visas or other

1 documents required for emigration and free of any
2 tax, levy, fine, fee, or other charge on any citizens
3 as a consequence of the desire of such citizens to
4 emigrate to the country of their choice;

5 (2) Ukraine has been found to be in full compli-
6 ance with the freedom of emigration requirements
7 under title IV of the Trade Act of 1974 since 1997;

8 (3) since reestablishing independence in 1991,
9 Ukraine has taken important steps toward the cre-
10 ation of democratic institutions and a free-market
11 economy and, as a participating state of the Organi-
12 zation for Security and Cooperation in Europe
13 (OSCE), is committed to developing a system of gov-
14 ernance in accordance with the principles regarding
15 human rights and humanitarian affairs that are set
16 forth in the Final Act of the Conference on Security
17 and Cooperation in Europe (also known as the “Hel-
18 sinki Final Act”) and successive documents;

19 (4) Ukraine has shown progress towards meet-
20 ing international commitments and standards in its
21 most recent Parliamentary elections, recognizing
22 that significant shortcomings remain, including in
23 the implementation of Ukraine’s election laws, illegal
24 interference by public authorities in the electoral

1 process, and allegations of intimidation against op-
2 position contestants, activists, and voters;

3 (5) as a participating state of the OSCE,
4 Ukraine is committed to addressing issues relating
5 to its national and religious minorities and to adopt-
6 ing measures to ensure that persons belonging to na-
7 tional minorities have full equality both individually
8 and communally;

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

17 (7) Ukraine has engaged in efforts to combat
18 ethnic and religious intolerance by cooperating with
19 various United States nongovernmental organiza-
20 tions;

21 (8) Ukraine is continuing the restitution of reli-
22 gious properties, including religious and communal
23 properties confiscated from national and religious
24 minorities during the Soviet era, is facilitating the
25 revival of those minority groups, and is in the proc-

1 ess of developing a legislative framework for com-
2 pleting this process, as was confirmed in a letter to
3 the President of the United States;

4 (9) Ukraine has received normal trade relations
5 treatment since concluding a bilateral trade agree-
6 ment with the United States that entered into force
7 on June 23, 1992;

8 (10) Ukraine is making progress toward acces-
9 sion to the World Trade Organization, recognizing
10 that many issues remain to be resolved, including
11 commitments relating to access of United States ag-
12 ricultural products, protection of intellectual prop-
13 erty rights, tariff and excise tax reductions for goods
14 (including automobiles), trade in services, agricul-
15 tural subsidy levels, elimination of export incentives
16 for industrial goods, and reform of customs proce-
17 dures and technical, sanitary, and phytosanitary
18 measures;

19 (11) Ukraine has enacted protections reflecting
20 internationally recognized labor rights, noting that
21 gaps remain both in the country's legal regime and
22 its enforcement record;

23 (12) as a participating state of the OSCE,
24 Ukraine has committed itself to respecting freedom

1 of the press, although infringements of this freedom
2 continue to occur;

3 (13) Ukraine has established positive relations
4 with neighboring countries, and has stated its desire
5 to pursue a course of European integration with a
6 commitment to ensuring democracy and prosperity
7 for its citizens; and

8 (14) Ukraine has participated with the United
9 States in its peacekeeping operations in Europe and
10 has provided important cooperation in the global
11 struggle against international terrorism.

12 **SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF**
13 **THE TRADE ACT OF 1974 TO UKRAINE.**

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

19 (1) determine that such title should no longer
20 apply to Ukraine; and

21 (2) after making a determination under para-
22 graph (1) with respect to Ukraine, proclaim the ex-
23 tension of unconditional and permanent nondiscrim-
24 inatory treatment (permanent normal trade relations
25 treatment) to the products of that country.

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

6 **SEC. 3. SENSE OF CONGRESS.**

7 It is the sense of the Congress that the United States
8 remain fully committed to a multifaceted engagement with
9 Ukraine, including by—

10 (1) urging Ukraine to fulfill its commitments as
11 a participating member of the OSCE, and to con-
12 tinue its current policy—

13 (A) of providing for the free emigration of
14 its citizens;

15 (B) of safeguarding religious liberty
16 throughout Ukraine;

17 (C) of enforcing existing Ukrainian laws at
18 the national and local levels to combat ethnic,
19 religious, and racial discrimination and violence;

20 (D) of expanding the restitution of reli-
21 gious and communal properties, including es-
22 tablishing a legal framework for the completion
23 of such restitution in the future; and

24 (E) of respecting media freedoms fully;

1 (2) working with Ukraine to improve in the
2 areas described in section 1(11);

3 (3) supporting Ukraine's efforts to make sub-
4 stantial and meaningful progress in enacting and en-
5 forcing the protection of intellectual property rights;

6 (4) working with Ukraine to ensure quick reso-
7 lution of trade disputes that may arise, particularly
8 in the poultry and other agricultural sectors; and

9 (5) continuing monitoring by the United States
10 of human rights, rule of law, and media freedoms in
11 Ukraine, including the issues described in para-
12 graphs (1) and (2), providing assistance to non-
13 governmental organizations and human rights
14 groups involved in human rights, democracy, and
15 rule of law activities in Ukraine, and attempting to
16 establish annual discussions with Ukraine regarding
17 those issues, including the participation of United
18 States and Ukrainian nongovernmental organiza-
19 tions in such discussions.

20 **SEC. 4. REPORTING REQUIREMENT.**

21 The reports required by sections 102(b) and 203 of
22 the International Religious Freedom Act of 1998 (22
23 U.S.C. 6412(b) and 6433) shall continue to include an as-
24 sessment of the status of the issues described in subpara-
25 graphs (A) through (D) of section 3(1).

1 **SEC. 5. CONTINUED ENJOYMENT OF RIGHTS UNDER THE**
2 **JUNE 23, 1992, BILATERAL TRADE AGREE-**
3 **MENT.**

4 (a) FINDING.—The Congress finds that the trade
5 agreement between the United States and Ukraine that
6 entered into force on June 23, 1992, remains in force be-
7 tween the 2 countries and provides the United States with
8 important rights, including the right to use specific safe-
9 guard rules to respond to import surges from Ukraine.

10 (b) APPLICABILITY OF SAFEGUARD.—Section 421 of
11 the Trade Act of 1974 (19 U.S.C. 2451) shall apply to
12 Ukraine to the same extent as such section applies to the
13 People’s Republic of China, so long as the trade agreement
14 described in subsection (a) remains in force.

15 **SEC. 6. EXERCISE OF CONGRESSIONAL OVERSIGHT OVER**
16 **WTO ACCESSION NEGOTIATIONS.**

17 (a) NOTICE OF AGREEMENT ON ACCESSION TO WTO
18 BY UKRAINE.—Not later than 5 days after the date on
19 which the United States has entered into a bilateral agree-
20 ment with Ukraine on the terms of accession by Ukraine
21 to the World Trade Organization, the President shall so
22 notify the Congress, and the President shall transmit to
23 the Congress, not later than 15 days after that agreement
24 is entered into, a report that sets forth the provisions of
25 that agreement.

26 (b) RESOLUTION OF DISAPPROVAL.—

1 (1) INTRODUCTION.—If a resolution of dis-
2 approval is introduced in the House of Representa-
3 tives or the Senate during the 30-day period (not
4 counting any day which is excluded under section
5 154(b) of the Trade Act of 1974 (19 U.S.C.
6 2194(b)), beginning on the date on which the Presi-
7 dent first notifies the Congress under subsection (a)
8 of the agreement referred to in that subsection, that
9 resolution of disapproval shall be considered in ac-
10 cordance with this subsection.

11 (2) RESOLUTION OF DISAPPROVAL.—In this
12 subsection, the term “resolution of disapproval”
13 means only a joint resolution of the two Houses of
14 the Congress, the matter after the resolving clause
15 of which is as follows: “That it is the sense of the
16 Congress that the agreement between the United
17 States and Ukraine on the terms of accession by
18 Ukraine to the World Trade Organization, of which
19 Congress was notified on _____, does not adequately
20 advance the interests of the United States.”, with
21 the blank space being filled with the appropriate
22 date.

23 (3) PROCEDURES FOR CONSIDERING RESOLU-
24 TIONS.—

1 (A) INTRODUCTION AND REFERRAL.—Res-
2 olutions of disapproval—

3 (i) in the House of Representatives—

4 (I) may be introduced by any
5 Member of the House;

6 (II) shall be referred to the Com-
7 mittee on Ways and Means and, in
8 addition, to the Committee on Rules;
9 and

10 (III) may not be amended by ei-
11 ther Committee; and

12 (ii) in the Senate—

13 (I) may be introduced by any
14 Member of the Senate;

15 (II) shall be referred to the Com-
16 mittee on Finance; and

17 (III) may not be amended.

18 (B) COMMITTEE DISCHARGE AND FLOOR
19 CONSIDERATION.—The provisions of sub-
20 sections (c) through (f) of section 152 of the
21 Trade Act of 1974 (19 U.S.C. 2192(c) through
22 (f)) (relating to committee discharge and floor
23 consideration of certain resolutions in the
24 House and Senate) apply to a resolution of dis-

1 approval to the same extent as such subsections
2 apply to resolutions under such section.

3 (c) RULES OF HOUSE OF REPRESENTATIVES AND
4 SENATE.—Subsection (b) is enacted by the Congress—

5 (1) as an exercise of the rulemaking power of
6 the House of Representatives and the Senate, re-
7 spectively, and as such are deemed a part of the
8 rules of each House, respectively, and such proce-
9 dures supersede other rules only to the extent that
10 they are inconsistent with such other rules; and

11 (2) with the full recognition of the constitu-
12 tional right of either House to change the rules (so
13 far as relating to the procedures of that House) at
14 any time, in the same manner, and to the same ex-
15 tent as any other rule of that House.

○