

108TH CONGRESS  
2D SESSION

# S. 2205

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 11, 2004

Mr. LEVIN introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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  
8       documents required for emigration and free of any

1 tax, levy, fine, fee, or other charge on any citizens  
2 as a consequence of the desire of such citizens to  
3 emigrate to the country of their choice;

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

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

18 (4) Ukraine has shown progress towards meet-  
19 ing international commitments and standards in its  
20 most recent Parliamentary elections, recognizing  
21 that significant shortcomings remain, including in  
22 the implementation of Ukraine’s election laws, illegal  
23 interference by public authorities in the electoral  
24 process, and allegations of intimidation against op-  
25 position contestants, activists, and voters;

1           (5) as a participating state of the OSCE,  
2       Ukraine is committed to addressing issues relating  
3       to its national and religious minorities and to adopt-  
4       ing measures to ensure that persons belonging to na-  
5       tional minorities have full equality both individually  
6       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 engaged in efforts to combat  
16      ethnic and religious intolerance by cooperating with  
17      various United States nongovernmental organiza-  
18      tions;

19          (8) Ukraine is continuing the restitution of reli-  
20      gious properties, including religious and communal  
21      properties confiscated from national and religious  
22      minorities during the Soviet era, is facilitating the  
23      revival of those minority groups, and is in the proc-  
24      ess of developing a legislative framework for com-

1       pleting this process, as was confirmed in a letter to  
2       the President of the United States;

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

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

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

22          (12) as a participating state of the OSCE,  
23      Ukraine has committed itself to respecting freedom  
24      of the press, although infringements of this freedom  
25      continue to occur;

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

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

10 **SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF**  
 11 **THE TRADE ACT OF 1974 TO UKRAINE.**

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

17           (1) determine that such title should no longer  
 18           apply to Ukraine; and

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

24           (b) TERMINATION OF APPLICATION OF TITLE IV.—  
 25           On and after the effective date of the extension under sub-

1 section (a)(2) of nondiscriminatory treatment to the prod-  
2 ucts of Ukraine, chapter 1 of title IV of the Trade Act  
3 of 1974 shall cease to apply to that country.

4 **SEC. 3. SENSE OF CONGRESS.**

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

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

11 (A) of providing for the free emigration of  
12 its citizens;

13 (B) of safeguarding religious liberty  
14 throughout Ukraine;

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

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

22 (E) of respecting media freedoms fully;

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

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

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

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

18 **SEC. 4. REPORTING REQUIREMENT.**

19          The reports required by sections 102(b) and 203 of  
20          the International Religious Freedom Act of 1998 (22  
21          U.S.C. 6412(b) and 6433) shall continue to include an as-  
22          sessment of the status of the issues described in subpara-  
23          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.

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