

109TH CONGRESS
1ST SESSION

S. 46

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 SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. LEVIN (for himself and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Finance

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 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) the people of Ukraine deserve praise for
19 demonstrating a deep commitment to democracy and
20 through peaceful civil action demanding a process
21 that achieved a fair election in Ukraine’s most re-
22 cent Presidential runoff;

23 (5) Ukraine has made progress toward meeting
24 international commitments and standards in the
25 most recent Presidential runoff elections, including

1 in the implementation of Ukraine's new elections
2 laws;

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

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

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

22 (9) Ukraine is continuing the restitution of reli-
23 gious properties, including religious and communal
24 properties confiscated from national and religious
25 minorities during the Soviet era, is facilitating the

1 revival of those minority groups, and remains com-
2 mitted to developing a legislative framework for
3 completing this process, as promised in a letter to
4 the President of the United States;

5 (10) Ukraine has received normal trade rela-
6 tions treatment since concluding a bilateral trade
7 agreement with the United States that entered into
8 force on June 23, 1992;

9 (11) Ukraine's accession to the World Trade
10 Organization would be a welcome step, recognizing
11 that many issues remain to be resolved, including
12 commitments relating to access of United States ag-
13 ricultural products, protection of intellectual prop-
14 erty rights, tariff and excise tax reductions for goods
15 (including automobiles), trade in services, elimi-
16 nation of export incentives for industrial goods, and
17 reform of customs procedures and other non-tariff
18 barriers;

19 (12) Ukraine has enacted protections reflecting
20 internationally recognized labor rights;

21 (13) as a participating state of the OSCE,
22 Ukraine has committed itself to respecting freedom
23 of the press, and the new administration has af-
24 firmed this commitment;

1 (14) Ukraine has stated its desire to pursue a
2 course of Euro-Atlantic integration with a commit-
3 ment to ensuring democracy and prosperity for its
4 citizens; and

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

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

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

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

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

23 (b) TERMINATION OF APPLICATION OF TITLE IV.—
24 On and after the effective date of the extension under sub-
25 section (a)(2) of nondiscriminatory treatment to the prod-

1 ucts of Ukraine, chapter 1 of title IV of the Trade Act
2 of 1974 shall cease to apply to that country.

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

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

7 (1) encouraging Ukraine to continue to meet its
8 commitments as a participating member of the
9 OSCE and welcoming further progress on imple-
10 menting 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;

22 (E) of meeting international standards of
23 democracy, including implementation of newly
24 adopted election laws;

1 (F) of creating a more independent legal
2 and judicial system, governed by the rule of
3 law, and free of political interference and cor-
4 ruption; and

5 (G) of respecting media freedoms fully, in-
6 cluding by prohibiting physical harm to and in-
7 timidation of journalists;

8 (2) supporting Ukraine's efforts to make fur-
9 ther market-oriented reforms, to pursue a policy of
10 Euro-Atlantic integration, to join the WTO, and to
11 combat corruption;

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

16 (4) working with Ukraine to ensure quick reso-
17 lution of trade disputes that may arise, particularly
18 in the intellectual property, poultry, and other agri-
19 cultural sectors.

20 **SEC. 4. CONTINUED ENJOYMENT OF RIGHTS UNDER THE**
21 **JUNE 23, 1992, BILATERAL TRADE AGREE-**
22 **MENT.**

23 (a) FINDING.—Congress finds that the trade agree-
24 ment between the United States and Ukraine that entered
25 into force on June 23, 1992, remains in force between the

1 2 countries and provides the United States with important
2 rights, including the right to use specific safeguard rules
3 to respond to import surges from Ukraine.

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

9 **SEC. 5. EXERCISE OF CONGRESSIONAL OVERSIGHT OVER**
10 **WTO ACCESSION NEGOTIATIONS.**

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

20 (b) CONGRESSIONAL OVERSIGHT RESOLUTION.—

21 (1) INTRODUCTION.—If a Congressional Over-
22 sight Resolution is introduced in the House of Rep-
23 resentatives or the Senate during the 30-day period
24 (not counting any day which is excluded under sec-
25 tion 154(b) of the Trade Act of 1974 (19 U.S.C.

1 2194(b)), beginning on the date on which the Presi-
 2 dent first notifies Congress under subsection (a) of
 3 the agreement referred to in that subsection, that
 4 Congressional Oversight Resolution shall be consid-
 5 ered in accordance with this subsection.

6 (2) CONGRESSIONAL OVERSIGHT RESOLU-
 7 TION.—In this subsection, the term “Congressional
 8 Oversight Resolution” means only a joint resolution
 9 of the two Houses of Congress, the matter after the
 10 resolving clause of which is as follows: “That it is
 11 the sense of the Congress that the agreement be-
 12 tween the United States and Ukraine on the terms
 13 of accession by Ukraine to the World Trade Organi-
 14 zation, of which Congress was notified on
 15 _____, does not adequately advance the
 16 interests of the United States.”, with the blank
 17 space being filled with the appropriate date.

18 (3) PROCEDURES FOR CONSIDERING RESOLU-
 19 TIONS.—

20 (A) INTRODUCTION AND REFERRAL.—A
 21 Congressional Oversight Resolution—

22 (i) in the House of Representatives—

23 (I) may be introduced by any
 24 Member of the House;

1 (II) shall be referred to the Com-
 2 mittee on Ways and Means and, in
 3 addition, to the Committee on Rules;
 4 and

5 (III) may not be amended by ei-
 6 ther Committee; and

7 (ii) in the Senate—

8 (I) may be introduced by any
 9 Member of the Senate;

10 (II) shall be referred to the Com-
 11 mittee on Finance; and

12 (III) may not be amended.

13 (B) COMMITTEE DISCHARGE AND FLOOR
 14 CONSIDERATION.—The provisions of sub-
 15 sections (c) through (f) of section 152 of the
 16 Trade Act of 1974 (19 U.S.C. 2192 (c) through
 17 (f)) (relating to committee discharge and floor
 18 consideration of certain resolutions in the
 19 House and Senate) apply to a Congressional
 20 Oversight Resolution to the same extent as such
 21 subsections apply to resolutions under such sec-
 22 tion.

23 (c) RULES OF HOUSE OF REPRESENTATIVES AND
 24 SENATE.—Subsection (b) is enacted by Congress—

1 (1) as an exercise of the rulemaking power of
2 the House of Representatives and the Senate, re-
3 spectively, and as such is deemed a part of the rules
4 of each House, respectively, and the procedures de-
5 scribed in such subsection supersede other rules only
6 to the extent that they are inconsistent with such
7 other rules; and

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

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