

112TH CONGRESS
2D SESSION

H. R. 6156

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.

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

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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.

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

6 **SEC. 101. FINDINGS.**

7 Congress finds the following:

8 (1) The Russian Federation allows its citizens
 9 the right and opportunity to emigrate, free of any
 10 heavy tax on emigration or on the visas or other
 11 documents required for emigration and free of any
 12 tax, levy, fine, fee, or other charge on any citizens

1 as a consequence of the desire of those citizens to
2 emigrate to the country of their choice.

3 (2) The Russian Federation has been found to
4 be in full compliance with the freedom of emigration
5 requirements under title IV of the Trade Act of
6 1974 (19 U.S.C. 2431 et seq.) since 1994.

7 (3) The Russian Federation has received nor-
8 mal trade relations treatment since concluding a bi-
9 lateral trade agreement with the United States that
10 entered into force in 1992.

11 (4) On December 16, 2011, the Ministerial
12 Conference of the World Trade Organization invited
13 the Russian Federation to accede to the World
14 Trade Organization.

15 **SEC. 102. TERMINATION OF APPLICATION OF TITLE IV OF**
16 **THE TRADE ACT OF 1974 TO PRODUCTS OF**
17 **THE RUSSIAN FEDERATION.**

18 (a) PRESIDENTIAL DETERMINATIONS AND EXTEN-
19 SION OF NONDISCRIMINATORY TREATMENT.—Notwith-
20 standing any provision of title IV of the Trade Act of 1974
21 (19 U.S.C. 2431 et seq.), the President may—

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

24 (2) after making a determination under para-
25 graph (1) with respect to the Russian Federation,

1 proclaim the extension of nondiscriminatory treat-
2 ment (normal trade relations treatment) to the prod-
3 ucts of the Russian Federation.

4 (b) EFFECTIVE DATE OF NONDISCRIMINATORY
5 TREATMENT.—The extension of nondiscriminatory treat-
6 ment to the products of the Russian Federation pursuant
7 to subsection (a) shall be effective not sooner than the ef-
8 fective date of the accession of the Russian Federation to
9 the World Trade Organization.

10 (c) TERMINATION OF APPLICABILITY OF TITLE
11 IV.—On and after the effective date under subsection (b)
12 of the extension of nondiscriminatory treatment to the
13 products of the Russian Federation, title IV of the Trade
14 Act of 1974 (19 U.S.C. 2431 et seq.) shall cease to apply
15 to the Russian Federation.

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

19 **SEC. 201. REPORTS ON IMPLEMENTATION BY THE RUSSIAN**
20 **FEDERATION OF OBLIGATIONS AS A MEMBER**
21 **OF THE WORLD TRADE ORGANIZATION AND**
22 **ENFORCEMENT ACTIONS BY THE UNITED**
23 **STATES TRADE REPRESENTATIVE.**

24 (a) REPORTS ON IMPLEMENTATION.—

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

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

15 (i) The Agreement on the Application
16 of Sanitary and Phytosanitary Measures
17 (referred to in section 101(d)(3) of the
18 Uruguay Round Agreements Act (19
19 U.S.C. 3511(d)(3))).

20 (ii) The Agreement on Trade-Related
21 Aspects of Intellectual Property Rights (re-
22 ferred to in section 101(d)(15) of the Uru-
23 guay Round Agreements Act (19 U.S.C.
24 3511(d)(15))).

1 (B) The progress made by the Russian
2 Federation in acceding to, and the extent to
3 which the Russian Federation is implementing,
4 the following:

5 (i) The Ministerial Declaration on
6 Trade in Information Technology Products
7 of the World Trade Organization, agreed
8 to at Singapore December 13, 1996 (com-
9 monly referred to as the “Information
10 Technology Agreement”) (or a successor
11 agreement).

12 (ii) The Agreement on Government
13 Procurement (referred to in section
14 101(d)(17) of the Uruguay Round Agree-
15 ments Act (19 U.S.C. 3511(d)(17))).

16 (2) PLAN FOR ACTION BY TRADE REPRESENTA-
17 TIVE.—

18 (A) IN GENERAL.—If, in preparing a re-
19 port required by paragraph (1), the Trade Rep-
20 resentative believes that the Russian Federation
21 is not fully implementing an agreement speci-
22 fied in subparagraph (A) or (B) of that para-
23 graph or that the Russian Federation is not
24 making adequate progress in acceding to an
25 agreement specified in subparagraph (B) of

1 that paragraph, the Trade Representative shall,
2 except as provided in subparagraph (B) of this
3 paragraph, include in the report a description
4 of the actions the Trade Representative plans to
5 take to encourage the Russian Federation to
6 improve its implementation of the agreement or
7 increase its progress in acceding to the agree-
8 ment, as the case may be.

9 (B) CLASSIFIED INFORMATION.—If any in-
10 formation regarding a planned action referred
11 to in subparagraph (A) is classifiable under Ex-
12 ecutive Order 13526 (75 Fed. Reg. 707; relat-
13 ing to classified national security information)
14 or a subsequent Executive order, the Trade
15 Representative shall report that information to
16 the Committee on Finance of the Senate and
17 the Committee on Ways and Means of the
18 House of Representatives by—

19 (i) including the information in a clas-
20 sified annex to the report required by para-
21 graph (1); or

22 (ii) consulting with the Committee on
23 Finance and the Committee on Ways and
24 Means with respect to the information in-

1 stead of including the information in the
2 report or a classified annex to the report.

3 (3) PUBLIC COMMENTS.—

4 (A) IN GENERAL.—In developing the re-
5 port required by paragraph (1), the Trade Rep-
6 resentative shall provide an opportunity for the
7 public to comment, including by holding a pub-
8 lic hearing.

9 (B) PUBLICATION IN FEDERAL REG-
10 ISTER.—The Trade Representative shall publish
11 notice of the opportunity to comment and hear-
12 ing required by subparagraph (A) in the Fed-
13 eral Register.

14 (b) REPORT ON ENFORCEMENT ACTIONS TAKEN BY
15 TRADE REPRESENTATIVE.—Not later than 180 days after
16 the effective date under section 102(b) of the extension
17 of nondiscriminatory treatment to the products of the
18 Russian Federation, and annually thereafter, the United
19 States Trade Representative shall submit to the Com-
20 mittee on Finance of the Senate and the Committee on
21 Ways and Means of the House of Representatives a report
22 describing the enforcement actions taken by the Trade
23 Representative against the Russian Federation to ensure
24 the full compliance of the Russian Federation with its obli-
25 gations as a member of the World Trade Organization,

1 including obligations under agreements with members of
2 the Working Party on the accession of the Russian Fed-
3 eration to the World Trade Organization.

4 **SEC. 202. PROMOTION OF THE RULE OF LAW IN THE RUS-**
5 **SIAN FEDERATION TO SUPPORT UNITED**
6 **STATES TRADE AND INVESTMENT.**

7 (a) REPORTS ON PROMOTION OF RULE OF LAW.—
8 Not later than one year after the effective date under sec-
9 tion 102(b) of the extension of nondiscriminatory treat-
10 ment to the products of the Russian Federation, and an-
11 nually thereafter, the United States Trade Representative
12 and the Secretary of State shall jointly submit to the Com-
13 mittee on Finance of the Senate and the Committee on
14 Ways and Means of the House of Representatives a re-
15 port—

16 (1) on the measures taken by the Trade Rep-
17 resentative and the Secretary and the results
18 achieved during the year preceding the submission of
19 the report with respect to promoting the rule of law
20 in the Russian Federation, including with respect
21 to—

22 (A) strengthening formal protections for
23 United States investors in the Russian Federa-
24 tion, including through the negotiation of a new
25 bilateral investment treaty;

1 (B) advocating for United States investors
2 in the Russian Federation, including by pro-
3 moting the claims of United States investors in
4 Yukos Oil Company;

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

16 (D) promoting a customs administration,
17 tax administration, and judiciary in the Russia
18 Federation that are free of corruption; and

19 (E) increasing cooperation between the
20 United States and the Russian Federation to
21 expand the capacity for civil society organiza-
22 tions to monitor, investigate, and report on sus-
23 pected instances of corruption; and

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

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

5 (1) IN GENERAL.—The Secretary of Commerce
6 shall establish and maintain a dedicated phone hot-
7 line and secure website, accessible from within and
8 outside the Russian Federation, for the purpose of
9 allowing United States entities—

10 (A) to report instances of bribery, at-
11 tempted bribery, or other forms of corruption in
12 the Russian Federation that impact or poten-
13 tially impact their operations; and

14 (B) to request the assistance of the United
15 States with respect to issues relating to corrup-
16 tion in the Russian Federation.

17 (2) REPORT REQUIRED.—

18 (A) IN GENERAL.—Not later than one year
19 after the effective date under section 102(b) of
20 the extension of nondiscriminatory treatment to
21 the products of the Russian Federation, and
22 annually thereafter, the Secretary of Commerce
23 shall submit to the Committee on Finance of
24 the Senate and the Committee on Ways and

1 Means of the House of Representatives a report
2 that includes the following:

3 (i) The number of instances in which
4 bribery, attempted bribery, or other forms
5 of corruption have been reported using the
6 hotline or website established pursuant to
7 paragraph (1).

8 (ii) A description of the regions in the
9 Russian Federation in which those in-
10 stances are alleged to have occurred.

11 (iii) A summary of actions taken by
12 the United States to provide assistance to
13 United States entities pursuant to para-
14 graph (1)(B).

15 (iv) A description of the efforts taken
16 by the Secretary to inform United States
17 entities conducting business in the Russian
18 Federation or considering conducting busi-
19 ness in the Russian Federation of the
20 availability of assistance through the hot-
21 line and website.

22 (B) CONFIDENTIALITY.—The Secretary
23 shall not include in the report required by sub-
24 paragraph (A) the identity of a United States
25 entity that reports instances of bribery, at-

1 tempted bribery, or other forms of corruption in
2 the Russian Federation or requests assistance
3 pursuant to paragraph (1).

4 **SEC. 203. REPORTS ON LAWS, POLICIES, AND PRACTICES**
5 **OF THE RUSSIAN FEDERATION THAT DIS-**
6 **CRIMINATE AGAINST UNITED STATES DIG-**
7 **ITAL TRADE.**

8 Section 181(a) of the Trade Act of 1974 (19 U.S.C.
9 2241(a)) is amended—

10 (1) by redesignating paragraph (3) as para-
11 graph (4); and

12 (2) by inserting after paragraph (2) the fol-
13 lowing:

14 “(3) INCLUSION OF CERTAIN DISCRIMINATORY
15 LAWS, POLICIES, AND PRACTICES OF THE RUSSIAN
16 FEDERATION.—For calender year 2012 and each
17 succeeding calendar year, the Trade Representative
18 shall include in the analyses and estimates under
19 paragraph (1) an identification and analysis of any
20 laws, policies, or practices of the Russian Federation
21 that deny fair and equitable market access to United
22 States digital trade.”.

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

3 The United States Trade Representative shall con-
4 tinue to pursue the reduction of barriers to trade imposed
5 by the Russian Federation on articles exported from the
6 United States to the Russian Federation through ef-
7 forts—

8 (1) to negotiate a bilateral agreement under
9 which the Russian Federation will accept the sani-
10 tary and phytosanitary measures of the United
11 States as equivalent to the sanitary and
12 phytosanitary measures of the Russian Federation;
13 and

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

21 **TITLE III—PERMANENT NORMAL**
22 **TRADE RELATIONS FOR**
23 **MOLDOVA**

24 **SEC. 301. FINDINGS.**

25 Congress finds the following:

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

8 (2) Moldova has been found to be in full com-
9 pliance with the freedom of emigration requirements
10 under title IV of the Trade Act of 1974 (19 U.S.C.
11 2431 et seq.) since 1997.

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

14 **SEC. 302. TERMINATION OF APPLICATION OF TITLE IV OF**
15 **THE TRADE ACT OF 1974 TO PRODUCTS OF**
16 **MOLDOVA.**

17 (a) **PRESIDENTIAL DETERMINATIONS AND EXTEN-**
18 **SION OF NONDISCRIMINATORY TREATMENT.**—Notwith-
19 standing any provision of title IV of the Trade Act of 1974
20 (19 U.S.C. 2431 et seq.), the President may—

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

23 (2) after making a determination under para-
24 graph (1) with respect to Moldova, proclaim the ex-
25 tension of nondiscriminatory treatment (normal

1 trade relations treatment) to the products of
2 Moldova.

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

○