117TH CONGRESS 2D SESSION

H.R.7108

AN ACT

To suspend normal trade relations treatment for the Russian Federation and the Republic of Belarus, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- ${\it 2\ tives\ of\ the\ United\ States\ of\ America\ in\ Congress\ assembled},$

1 SECTION 1. SHORT TITLE.

- This Act may be cited as the "Suspending Normal 2
- 3 Trade Relations with Russia and Belarus Act".
- 4 SEC. 2. FINDINGS.
- 5 Congress finds the following:
- 6 (1) The United States is a founding member of 7

the World Trade Organization (WTO) and is com-

- 8 mitted to ensuring that the WTO remains an effec-
- 9 tive forum for peaceful economic engagement.
- 10 (2) Ukraine is a sovereign nation-state that is
- 11 entitled to enter into agreements with other sov-
- 12 ereign states and to full respect of its territorial in-
- 13 tegrity.
- 14 (3) The United States will be unwavering in its
- 15 support for a secure, democratic, and sovereign
- 16 Ukraine, free to choose its own leaders and future.
- 17 (4) Ukraine acceded to the Marrakesh Agree-
- 18 ment Establishing the World Trade Organization
- 19 (WTO Agreement) and has been a WTO member
- 20 since 2008.
- 21 (5) Ukraine's participation in the WTO Agree-
- 22 ment creates both rights and obligations vis-à-vis
- 23 other WTO members.
- 24 (6) The Russian Federation acceded to the
- 25 WTO on August 22, 2012, becoming the 156th

1	WTO member, and the Republic of Belarus has ap-
2	plied to accede to the WTO.
3	(7) From the date of its accession, the Russian
4	Federation committed to apply fully all provisions of
5	the WTO.
6	(8) The United States Congress authorized per-
7	manent normal trade relations for the Russian Fed-
8	eration through the Russia and Moldova Jackson-
9	Vanik Repeal and Sergei Magnitsky Rule of Law
10	Accountability Act of 2012 (Public Law 112–208).
11	(9) Ukraine communicated to the WTO General
12	Council on March 2, 2022, urging that all WTO
13	members take action against the Russian Federation
14	and "consider further steps with the view to sus-
15	pending the Russian Federation's participation in
16	the WTO for its violation of the purpose and prin-
17	ciples of this Organization".
18	(10) Vladimir Putin, a ruthless dictator, has led
19	the Russian Federation into a war of aggression
20	against Ukraine, which—
21	(A) denies Ukraine and its people their col-
22	lective rights to independence, sovereignty, and
23	territorial integrity;
24	(B) constitutes an emergency in inter-
25	national relations, because it is a situation of

1	armed conflict that threatens the peace and se-
2	curity of all countries, including the United
3	States; and
4	(C) denies Ukraine its rightful ability to
5	participate in international organizations, in-
6	cluding the WTO.
7	(11) The Republic of Belarus, also led by a
8	ruthless dictator, Aleksander Lukashenka, is pro-
9	viding important material support to the Russian
10	Federation's aggression.
11	(12) The Russian Federation's exportation of
12	goods in the energy sector is central to its ability to
13	wage its war of aggression on Ukraine.
14	(13) The United States, along with its allies
15	and partners, has responded to recent aggression by
16	the Russian Federation in Ukraine by imposing
17	sweeping financial sanctions and stringent export
18	controls.
19	(14) The United States cannot allow the con-

(14) The United States cannot allow the consequences of the Russian Federation's actions to go unaddressed, and must lead fellow countries, in all fora, including the WTO, to impose appropriate consequences for the Russian Federation's aggression.

1	SEC. 3. SUSPENSION OF NORMAL TRADE RELATIONS WITH			
2	THE RUSSIAN FEDERATION AND THE REPUB-			
3	LIC OF BELARUS.			
4	(a) Nondiscriminatory Tariff Treatment.—			
5	Notwithstanding any other provision of law, beginning on			
6	the day after the date of the enactment of this Act, the			
7	rates of duty set forth in column 2 of the Harmonized			
8	Tariff Schedule of the United States shall apply to all			
9	products of the Russian Federation and of the Republic			
10	of Belarus.			
11	(b) Authority to Proclaim Increased Column			
12	2 Rates.—			
13	(1) In general.—The President may proclaim			
14	increases in the rates of duty applicable to products			
15	of the Russian Federation or the Republic of			
16	Belarus, above the rates set forth in column 2 of the			
17	Harmonized Tariff Schedule of the United States.			
18	(2) Prior consultation.—The President			
19	shall, not later than 5 calendar days before issuing			
20	any proclamation under paragraph (1), consult with			
21	the Committee on Ways and Means of the House of			
22	Representatives and the Committee on Finance of			
23	the Senate regarding the basis for and anticipated			
24	impact of the proposed increases to rates of duty de-			
25	scribed in paragraph (1).			

- 1 (3) TERMINATION.—The authority to issue 2 proclamations under this subsection shall terminate 3 on January 1, 2024.
- 4 SEC. 4. RESUMPTION OF APPLICATION OF HTS COLUMN 1
- 5 RATES OF DUTY AND RESTORATION OF NOR-
- 6 MAL TRADE RELATIONS TREATMENT FOR
- 7 THE RUSSIAN FEDERATION AND THE REPUB-
- 8 LIC OF BELARUS.
- 9 (a) Temporary Application of HTS Column 1 10 Rates of Duty.—
- 11 (1) In General.—Notwithstanding any other 12 provision of law (including the application of column 13 2 rates of duty under section 3), the President is au-14 thorized to temporarily resume, for one or more pe-15 riods not to exceed 1 year each, the application of 16 the rates of duty set forth in column 1 of the Har-17 monized Tariff Schedule of the United States to the 18 products of the Russian Federation, the Republic of 19 Belarus, or both, if the President submits to Con-20 gress with respect to either or both such countries 21 a certification under subsection (c) for each such pe-22 riod. Such action shall take effect beginning on the 23 date that is 90 calendar days after the date of sub-24 mission of such certification for such period, unless

- there is enacted into law during such 90-day period
 a joint resolution of disapproval.
 - (2) Consultation and Report.—The President shall, not later than 45 calendar days before submitting a certification under paragraph (1)—
 - (A) consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and
 - (B) submit to both such committees a report that explains the basis for the determination of the President contained in such certification.
- (b) RESTORATION OF NORMAL TRADE RELATIONSTREATMENT.—
 - (1) IN GENERAL.—The President is authorized to resume the application of the rates of duty set forth in column 1 of the Harmonized Tariff Schedule of the United States to the products of the Russian Federation, the Republic of Belarus, or both, if the President submits to Congress with respect to either or both such countries a certification under subsection (c). Such action shall take effect beginning on the date that is 90 calendar days after the date of submission of such certification, unless there

- is enacted into law during such 90-day period a joint
 resolution of disapproval.
 - (2) Consultation and Report.—The President shall, not later than 45 calendar days before submitting a certification under paragraph (1)—
 - (A) consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and
 - (B) submit to both such committees a report that explains the basis for the determination of the President contained in such certification.
 - (3) Products of the Russian Federation.—If the President submits pursuant to paragraph (1) a certification under subsection (c) with respect to the Russian Federation and a joint resolution of disapproval is not enacted during the 90-day period described in that paragraph, the President may grant permanent nondiscriminatory tariff treatment (normal trade relations) to the products of the Russian Federation.
 - (4) PRODUCTS OF THE REPUBLIC OF BELARUS.—If the President submits pursuant to paragraph (1) a certification under subsection (c) with respect to the Republic of Belarus and a joint

1	resolution of disapproval is not enacted during the
2	90-day period described in that paragraph, the
3	President may, subject to the provisions of chapter
4	1 of title IV of the Trade Act of 1974 (19 U.S.C.
5	2431 et seq.), grant nondiscriminatory tariff treat-
6	ment (normal trade relations) to the products of the
7	Republic of Belarus.
8	(c) Certification.—A certification under this sub-
9	section is a certification in writing that—
10	(1) specifies the action proposed to be taken
11	pursuant to the certification and whether such ac-
12	tion is pursuant to subsection $(a)(1)$ or $(b)(1)$ of this
13	section; and
14	(2) contains a determination of the President
15	that the Russian Federation or the Republic of
16	Belarus (or both)—
17	(A) has reached an agreement relating to
18	the respective withdrawal of Russian or
19	Belarusian forces (or both, if applicable) and
20	cessation of military hostilities that is accepted
21	by the free and independent government of
22	Ukraine;
23	(B) poses no immediate military threat of
24	aggression to any North Atlantic Treaty Orga-
25	nization member; and

1	(C) recognizes the right of the people of
2	Ukraine to independently and freely choose
3	their own government.
4	(d) Joint Resolution of Disapproval.—
5	(1) Definition.—For purposes of this section,
6	the term "joint resolution of disapproval" means
7	only a joint resolution—
8	(A) which does not have a preamble;
9	(B) the title of which is as follows: "Joint
10	resolution disapproving the President's certifi-
11	cation under section 4(c) of the Suspending
12	Normal Trade Relations with Russia and
13	Belarus Act."; and
14	(C) the matter after the resolving clause of
15	which is as follows: "That Congress disapproves
16	the certification of the President under section
17	4(c) of the Suspending Normal Trade Relations
18	with Russia and Belarus Act, submitted to Con-
19	gress on", the blank space being filled
20	in with the appropriate date.
21	(2) Introduction in the house of rep-
22	RESENTATIVES.—During a period of 5 legislative
23	days beginning on the date that a certification under
24	subsection (c) is submitted to Congress, a joint reso-
25	lution of disapproval may be introduced in the

- 1 House of Representatives by the majority leader or 2 the minority leader.
 - (3) Introduction in the senate.—During a period of 5 days on which the Senate is in session beginning on the date that a certification under subsection (c) is submitted to Congress, a joint resolution of disapproval may be introduced in the Senate by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(4) Floor consideration in the house of representatives.—

- (A) Reporting and discharge.—If a committee of the House to which a joint resolution of disapproval has been referred has not reported such joint resolution within 10 legislative days after the date of referral, that committee shall be discharged from further consideration thereof.
- (B) PROCEEDING TO CONSIDERATION.—
 Beginning on the third legislative day after each committee to which a joint resolution of disapproval has been referred reports it to the House or has been discharged from further consideration thereof, it shall be in order to move

to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on a joint resolution with regard to the same certification. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) Considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except two hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(5) Consideration in the senate.—

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- (A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be referred to the Committee on Finance.
 - (B) Reporting and discharge.—If the Committee on Finance has not reported such joint resolution of disapproval within 10 days on which the Senate is in session after the date of referral of such joint resolution, that committee shall be discharged from further consideration of such joint resolution and the joint resolution shall be placed on the appropriate calendar.
 - (C) MOTION TO PROCEED.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Finance reports the joint resolution of disapproval to the Senate or has been discharged from its consideration (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) shall be waived. The motion to proceed is not debatable. The motion is not subject to a motion to post-

pone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution of disapproval is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(D) DEBATE.—Debate on the joint resolution of disapproval, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution of disapproval is not in order.

(E) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution of disapproval and a single quorum call at the conclusion of the debate, if requested in accordance with the rules of the Senate.

- 1 (F) RULES OF THE CHAIR ON PROCE2 DURE.—Appeals from the decisions of the Chair
 3 relating to the application of the rules of the
 4 Senate, as the case may be, to the procedure re5 lating to the joint resolution of disapproval shall
 6 be decided without debate.
 - (G) Consideration of veto message with respect to the joint resolution of disapproval, including all debatable motions and appeals in connection with such joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.
 - (6) PROCEDURES IN THE SENATE.—Except as otherwise provided in this subsection, the following procedures shall apply in the Senate to a joint resolution of disapproval to which this subsection applies:
 - (A) Except as provided in subparagraph
 (B), a joint resolution of disapproval that has
 passed the House of Representatives shall,
 when received in the Senate, be referred to the

1 Committee on Finance for consideration in ac-2 cordance with this subsection.

> (B) If a joint resolution of disapproval to which this subsection applies was introduced in the Senate before receipt of a joint resolution of disapproval that has passed the House of Representatives, the joint resolution from the House of Representatives shall, when received in the Senate, be placed on the calendar. If this subparagraph applies, the procedures in the Senate with respect to a joint resolution of disapproval introduced in the Senate that contains the identical matter as the joint resolution of disapproval that passed the House of Representatives shall be the same as if no joint resolution of disapproval had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the joint resolution of disapproval that passed the House of Representatives.

(7) Rules of the house of representatives and senate.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representa-

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1	tives, respectively, and as such are deemed a
2	part of the rules of each House, respectively,
3	but applicable only with respect to the proce-
4	dure to be followed in that House in the case
5	of legislation described in those sections, and
6	supersede other rules only to the extent that
7	they are inconsistent with such rules; and
8	(B) with full recognition of the constitu-
9	tional right of either House to change the rules
10	(so far as relating to the procedure of that
11	House) at any time, in the same manner, and
12	to the same extent as in the case of any other
13	rule of that House.
14	SEC. 5. COOPERATION AND ACCOUNTABILITY AT THE
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15	WORLD TRADE ORGANIZATION.
	WORLD TRADE ORGANIZATION. The United States Trade Representative shall use the
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15 16	The United States Trade Representative shall use the
15 16 17	The United States Trade Representative shall use the voice and influence of the United States at the WTO to—
15 16 17 18	The United States Trade Representative shall use the voice and influence of the United States at the WTO to— (1) condemn the recent aggression in Ukraine
15 16 17 18	The United States Trade Representative shall use the voice and influence of the United States at the WTO to— (1) condemn the recent aggression in Ukraines (2) encourage other WTO members to suspend
115 116 117 118 119 220	The United States Trade Representative shall use the voice and influence of the United States at the WTO to— (1) condemn the recent aggression in Ukraines (2) encourage other WTO members to suspend trade concessions to the Russian Federation and the
115 116 117 118 119 220 221	The United States Trade Representative shall use the voice and influence of the United States at the WTO to— (1) condemn the recent aggression in Ukraines (2) encourage other WTO members to suspend trade concessions to the Russian Federation and the Republic of Belarus;

1 (4) seek to halt the accession process of the Re-2 public of Belarus at the WTO and cease accession-3 related work. 4 SEC. 6. MODIFICATIONS TO AND REAUTHORIZATION OF 5 SANCTIONS UNDER THE GLOBAL MAGNITSKY 6 **HUMAN RIGHTS ACCOUNTABILITY ACT WITH** 7 RESPECT TO HUMAN RIGHTS VIOLATIONS. 8 Definitions.—Section 1262 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) 10 is amended by striking paragraph (2). 12 (b) Sense of Congress.— 13 IN GENERAL.—The Global Magnitsky 14 Human Rights Accountability Act (subtitle F of title 15 XII of Public Law 114–328; 22 U.S.C. 2656 note) 16 is amended by inserting after section 1262 (as 17 amended by subsection (a)) the following new sec-18 tion: 19 "SEC. 1262A. SENSE OF CONGRESS. 20 "It is the sense of Congress that the President should 21 establish and regularize information sharing and sanc-22 tions-related decisionmaking with like-minded govern-23 ments possessing human rights and anti-corruption sanctions programs similar in nature to those authorized under

this subtitle.".

1	(2) CLERICAL AMENDMENT.—The table of con-			
2	tents in section 2(b) and in title XII of division A			
3	of the National Defense Authorization Act for Fiscal			
4	Year 2017 (Public Law 114–328) are each amended			
5	by inserting after the items relating to section 1262			
6	the following:			
	"Sec. 1262A. Sense of Congress.".			
7	(c) Imposition of Sanctions.—			
8	(1) In general.—Subsection (a) of section			
9	1263 of the Global Magnitsky Human Rights Ac-			
10	countability Act (Subtitle F of title XII of Public			
11	Law 114–328; 22 U.S.C. 2656 note) is amended to			
12	read as follows:			
13	"(a) In General.—The President may impose the			
14	sanctions described in subsection (b) with respect to any			
15	foreign person that the President determines, based on			
16	credible information—			
17	"(1) is responsible for or complicit in, or has di-			
18	rectly or indirectly engaged in, serious human rights			
19	abuse;			
20	"(2) is a current or former government official,			
21	or a person acting for or on behalf of such an offi-			
22	cial, who is responsible for or complicit in, or has di-			
23	rectly or indirectly engaged in—			
24	"(A) corruption, including—			

1	"(i) the misappropriation of state as-
2	sets;
3	"(ii) the expropriation of private as-
4	sets for personal gain;
5	"(iii) corruption related to government
6	contracts or the extraction of natural re-
7	sources; or
8	"(iv) bribery; or
9	"(B) the transfer or facilitation of the
10	transfer of the proceeds of corruption;
11	"(3) is or has been a leader or official of—
12	"(A) an entity, including a government en-
13	tity, that has engaged in, or whose members
14	have engaged in, any of the activities described
15	in paragraph (1) or (2) during the tenure of the
16	leader or official; or
17	"(B) an entity whose property and inter-
18	ests in property are blocked pursuant to this
19	section as a result of activities during the ten-
20	ure of the leader or official;
21	"(4) has materially assisted, sponsored, or pro-
22	vided financial, material, or technological support
23	for, or goods or services to or in support of—
24	"(A) an activity described in paragraph (1)
25	or (2) that is conducted by a foreign person;

1	"(B) a person whose property and inter-
2	ests in property are blocked pursuant to this
3	section; or
4	"(C) an entity, including a government en-
5	tity, that has engaged in, or whose members
6	have engaged in, an activity described in para-
7	graph (1) or (2) conducted by a foreign person;
8	or
9	"(5) is owned or controlled by, or has acted or
10	been purported to act for or on behalf of, directly or
11	indirectly, a person whose property and interests in
12	property are blocked pursuant to this section.".
13	(2) Consideration of Certain Informa-
14	TION.—Subsection (c)(2) of such section is amended
15	by striking "violations of human rights" and insert-
16	ing "corruption and human rights abuses".
17	(3) Requests by congress.—Subsection
18	(d)(2) of such section is amended—
19	(A) in subparagraph (A)—
20	(i) in the subparagraph heading, by
21	striking "Human rights violations"
22	and inserting "Serious Human rights
23	ABUSE";
24	(ii) by striking "described in para-
25	eraph (1) or (2) of subsection (a)" and in-

1	serting "described in subsection (a) relat-					
2	ing to serious human rights abuse"; and					
3	(B) in subparagraph (B)—					
4	(i) in the matter preceding clause (i)					
5	by striking "described in paragraph (3) or					
6	(4) of subsection (a)" and inserting "de					
7	scribed in subsection (a) relating to cor					
8	ruption or the transfer or facilitation o					
9	the transfer of the proceeds of corruption"					
10	and					
11	(ii) by striking "ranking member of—					
12	" and all that follows through the period at					
13	the end and inserting "ranking member of					
14	one of the appropriate congressional com-					
15	mittees.".					
16	(d) Reports to Congress.—Section 1264(a) of the					
17	Global Magnitsky Human Rights Accountability Act (sub-					
18	title F of title XII of Public Law 114–328; 22 U.S.C					
19	2656 note) is amended—					
20	(1) in paragraph (5), by striking "; and" and					
21	inserting a semicolon;					
22	(2) in paragraph (6), by striking the period at					
23	the end and inserting a semicolon; and					
24	(3) by adding at the end the following:					

1 "(7) a description of additional steps taken by 2 the President through diplomacy, international en-3 gagement, and assistance to foreign or security sec-4 tors to address persistent underlying causes of seri-5 ous human rights abuse and corruption in each 6 country in which foreign persons with respect to 7 which sanctions have been imposed under section 1263 are located; and 8

> "(8) a description of additional steps taken by the President to ensure the pursuit of judicial accountability in appropriate jurisdictions with respect to those foreign persons subject to sanctions under section 1263 for serious human rights abuse and corruption.".

(e) Repeal of Sunset.—

- (1) IN GENERAL.—Section 1265 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is repealed.
- (2) CLERICAL AMENDMENT.—The table of contents in section 2(b) and in title XII of division A of the National Defense Authorization Act for Fiscal

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- 1 Year 2017 (Public Law 114–328) are each amended
- 2 by striking the items relating to section 1265.

Passed the House of Representatives March 17, 2022.

Attest:

Clerk.

117th CONGRESS H. R. 7108

AN ACT

To suspend normal trade relations treatment for the Russian Federation and the Republic of Belarus, and for other purposes.