

Calendar No. 313

117TH CONGRESS
2^D SESSION**H. R. 7108**

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2022

Received

MARCH 24, 2022

Read the first time

MARCH 28, 2022

Read the second time and placed on the calendar

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-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Suspending Normal
5 Trade Relations with Russia and Belarus Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The United States is a founding member of
2 the World Trade Organization (WTO) and is com-
3 mitted to ensuring that the WTO remains an effec-
4 tive forum for peaceful economic engagement.

5 (2) Ukraine is a sovereign nation-state that is
6 entitled to enter into agreements with other sov-
7 ereign states and to full respect of its territorial in-
8 tegrity.

9 (3) The United States will be unwavering in its
10 support for a secure, democratic, and sovereign
11 Ukraine, free to choose its own leaders and future.

12 (4) Ukraine acceded to the Marrakesh Agree-
13 ment Establishing the World Trade Organization
14 (WTO Agreement) and has been a WTO member
15 since 2008.

16 (5) Ukraine's participation in the WTO Agree-
17 ment creates both rights and obligations vis-à-vis
18 other WTO members.

19 (6) The Russian Federation acceded to the
20 WTO on August 22, 2012, becoming the 156th
21 WTO member, and the Republic of Belarus has ap-
22 plied to accede to the WTO.

23 (7) From the date of its accession, the Russian
24 Federation committed to apply fully all provisions of
25 the WTO.

1 (8) The United States Congress authorized per-
2 manent normal trade relations for the Russian Fed-
3 eration through the Russia and Moldova Jackson-
4 Vanik Repeal and Sergei Magnitsky Rule of Law
5 Accountability Act of 2012 (Public Law 112–208).

6 (9) Ukraine communicated to the WTO General
7 Council on March 2, 2022, urging that all WTO
8 members take action against the Russian Federation
9 and “consider further steps with the view to sus-
10 pending the Russian Federation’s participation in
11 the WTO for its violation of the purpose and prin-
12 ciples of this Organization”.

13 (10) Vladimir Putin, a ruthless dictator, has led
14 the Russian Federation into a war of aggression
15 against Ukraine, which—

16 (A) denies Ukraine and its people their col-
17 lective rights to independence, sovereignty, and
18 territorial integrity;

19 (B) constitutes an emergency in inter-
20 national relations, because it is a situation of
21 armed conflict that threatens the peace and se-
22 curity of all countries, including the United
23 States; and

1 (C) denies Ukraine its rightful ability to
2 participate in international organizations, in-
3 cluding the WTO.

4 (11) The Republic of Belarus, also led by a
5 ruthless dictator, Aleksander Lukashenka, is pro-
6 viding important material support to the Russian
7 Federation's aggression.

8 (12) The Russian Federation's exportation of
9 goods in the energy sector is central to its ability to
10 wage its war of aggression on Ukraine.

11 (13) The United States, along with its allies
12 and partners, has responded to recent aggression by
13 the Russian Federation in Ukraine by imposing
14 sweeping financial sanctions and stringent export
15 controls.

16 (14) The United States cannot allow the con-
17 sequences of the Russian Federation's actions to go
18 unaddressed, and must lead fellow countries, in all
19 fora, including the WTO, to impose appropriate con-
20 sequences for the Russian Federation's aggression.

21 **SEC. 3. SUSPENSION OF NORMAL TRADE RELATIONS WITH**
22 **THE RUSSIAN FEDERATION AND THE REPUB-**
23 **LIC OF BELARUS.**

24 (a) NONDISCRIMINATORY TARIFF TREATMENT.—
25 Notwithstanding any other provision of law, beginning on

1 the day after the date of the enactment of this Act, the
2 rates of duty set forth in column 2 of the Harmonized
3 Tariff Schedule of the United States shall apply to all
4 products of the Russian Federation and of the Republic
5 of Belarus.

6 (b) AUTHORITY TO PROCLAIM INCREASED COLUMN
7 2 RATES.—

8 (1) IN GENERAL.—The President may proclaim
9 increases in the rates of duty applicable to products
10 of the Russian Federation or the Republic of
11 Belarus, above the rates set forth in column 2 of the
12 Harmonized Tariff Schedule of the United States.

13 (2) PRIOR CONSULTATION.—The President
14 shall, not later than 5 calendar days before issuing
15 any proclamation under paragraph (1), consult with
16 the Committee on Ways and Means of the House of
17 Representatives and the Committee on Finance of
18 the Senate regarding the basis for and anticipated
19 impact of the proposed increases to rates of duty de-
20 scribed in paragraph (1).

21 (3) TERMINATION.—The authority to issue
22 proclamations under this subsection shall terminate
23 on January 1, 2024.

1 **SEC. 4. RESUMPTION OF APPLICATION OF HTS COLUMN 1**
2 **RATES OF DUTY AND RESTORATION OF NOR-**
3 **MAL TRADE RELATIONS TREATMENT FOR**
4 **THE RUSSIAN FEDERATION AND THE REPUB-**
5 **LIC OF BELARUS.**

6 (a) TEMPORARY APPLICATION OF HTS COLUMN 1
7 RATES OF DUTY.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law (including the application of column
10 2 rates of duty under section 3), the President is au-
11 thorized to temporarily resume, for one or more pe-
12 riods not to exceed 1 year each, the application of
13 the rates of duty set forth in column 1 of the Har-
14 monized Tariff Schedule of the United States to the
15 products of the Russian Federation, the Republic of
16 Belarus, or both, if the President submits to Con-
17 gress with respect to either or both such countries
18 a certification under subsection (c) for each such pe-
19 riod. Such action shall take effect beginning on the
20 date that is 90 calendar days after the date of sub-
21 mission of such certification for such period, unless
22 there is enacted into law during such 90-day period
23 a joint resolution of disapproval.

24 (2) CONSULTATION AND REPORT.—The Presi-
25 dent shall, not later than 45 calendar days before
26 submitting a certification under paragraph (1)—

1 (A) consult with the Committee on Ways
2 and Means of the House of Representatives and
3 the Committee on Finance of the Senate; and

4 (B) submit to both such committees a re-
5 port that explains the basis for the determina-
6 tion of the President contained in such certifi-
7 cation.

8 (b) RESTORATION OF NORMAL TRADE RELATIONS
9 TREATMENT.—

10 (1) IN GENERAL.—The President is authorized
11 to resume the application of the rates of duty set
12 forth in column 1 of the Harmonized Tariff Sched-
13 ule of the United States to the products of the Rus-
14 sian Federation, the Republic of Belarus, or both, if
15 the President submits to Congress with respect to ei-
16 ther or both such countries a certification under
17 subsection (c). Such action shall take effect begin-
18 ning on the date that is 90 calendar days after the
19 date of submission of such certification, unless there
20 is enacted into law during such 90-day period a joint
21 resolution of disapproval.

22 (2) CONSULTATION AND REPORT.—The Presi-
23 dent shall, not later than 45 calendar days before
24 submitting a certification under paragraph (1)—

1 (A) consult with the Committee on Ways
2 and Means of the House of Representatives and
3 the Committee on Finance of the Senate; and

4 (B) submit to both such committees a re-
5 port that explains the basis for the determina-
6 tion of the President contained in such certifi-
7 cation.

8 (3) PRODUCTS OF THE RUSSIAN FEDERA-
9 TION.—If the President submits pursuant to para-
10 graph (1) a certification under subsection (c) with
11 respect to the Russian Federation and a joint resolu-
12 tion of disapproval is not enacted during the 90-day
13 period described in that paragraph, the President
14 may grant permanent nondiscriminatory tariff treat-
15 ment (normal trade relations) to the products of the
16 Russian Federation.

17 (4) PRODUCTS OF THE REPUBLIC OF
18 BELARUS.—If the President submits pursuant to
19 paragraph (1) a certification under subsection (c)
20 with respect to the Republic of Belarus and a joint
21 resolution of disapproval is not enacted during the
22 90-day period described in that paragraph, the
23 President may, subject to the provisions of chapter
24 1 of title IV of the Trade Act of 1974 (19 U.S.C.
25 2431 et seq.), grant nondiscriminatory tariff treat-

1 ment (normal trade relations) to the products of the
2 Republic of Belarus.

3 (c) CERTIFICATION.—A certification under this sub-
4 section is a certification in writing that—

5 (1) specifies the action proposed to be taken
6 pursuant to the certification and whether such ac-
7 tion is pursuant to subsection (a)(1) or (b)(1) of this
8 section; and

9 (2) contains a determination of the President
10 that the Russian Federation or the Republic of
11 Belarus (or both)—

12 (A) has reached an agreement relating to
13 the respective withdrawal of Russian or
14 Belarusian forces (or both, if applicable) and
15 cessation of military hostilities that is accepted
16 by the free and independent government of
17 Ukraine;

18 (B) poses no immediate military threat of
19 aggression to any North Atlantic Treaty Orga-
20 nization member; and

21 (C) recognizes the right of the people of
22 Ukraine to independently and freely choose
23 their own government.

24 (d) JOINT RESOLUTION OF DISAPPROVAL.—

1 (1) DEFINITION.—For purposes of this section,
2 the term “joint resolution of disapproval” means
3 only a joint resolution—

4 (A) which does not have a preamble;

5 (B) the title of which is as follows: “Joint
6 resolution disapproving the President’s certifi-
7 cation under section 4(c) of the Suspending
8 Normal Trade Relations with Russia and
9 Belarus Act.”; and

10 (C) the matter after the resolving clause of
11 which is as follows: “That Congress disapproves
12 the certification of the President under section
13 4(c) of the Suspending Normal Trade Relations
14 with Russia and Belarus Act, submitted to Con-
15 gress on _____”, the blank space being filled
16 in with the appropriate date.

17 (2) INTRODUCTION IN THE HOUSE OF REP-
18 RESENTATIVES.—During a period of 5 legislative
19 days beginning on the date that a certification under
20 subsection (c) is submitted to Congress, a joint reso-
21 lution of disapproval may be introduced in the
22 House of Representatives by the majority leader or
23 the minority leader.

24 (3) INTRODUCTION IN THE SENATE.—During a
25 period of 5 days on which the Senate is in session

1 beginning on the date that a certification under sub-
2 section (c) is submitted to Congress, a joint resolu-
3 tion of disapproval may be introduced in the Senate
4 by the majority leader (or the majority leader's des-
5 ignee) or the minority leader (or the minority lead-
6 er's designee).

7 (4) FLOOR CONSIDERATION IN THE HOUSE OF
8 REPRESENTATIVES.—

9 (A) REPORTING AND DISCHARGE.—If a
10 committee of the House to which a joint resolu-
11 tion of disapproval has been referred has not
12 reported such joint resolution within 10 legisla-
13 tive days after the date of referral, that com-
14 mittee shall be discharged from further consid-
15 eration thereof.

16 (B) PROCEEDING TO CONSIDERATION.—
17 Beginning on the third legislative day after
18 each committee to which a joint resolution of
19 disapproval has been referred reports it to the
20 House or has been discharged from further con-
21 sideration thereof, it shall be in order to move
22 to proceed to consider the joint resolution in the
23 House. All points of order against the motion
24 are waived. Such a motion shall not be in order
25 after the House has disposed of a motion to

1 proceed on a joint resolution with regard to the
2 same certification. The previous question shall
3 be considered as ordered on the motion to its
4 adoption without intervening motion. The mo-
5 tion shall not be debatable. A motion to recon-
6 sider the vote by which the motion is disposed
7 of shall not be in order.

8 (C) CONSIDERATION.—The joint resolution
9 shall be considered as read. All points of order
10 against the joint resolution and against its con-
11 sideration are waived. The previous question
12 shall be considered as ordered on the joint reso-
13 lution to final passage without intervening mo-
14 tion except two hours of debate equally divided
15 and controlled by the sponsor of the joint reso-
16 lution (or a designee) and an opponent. A mo-
17 tion to reconsider the vote on passage of the
18 joint resolution shall not be in order.

19 (5) CONSIDERATION IN THE SENATE.—

20 (A) COMMITTEE REFERRAL.—A joint reso-
21 lution of disapproval introduced in the Senate
22 shall be referred to the Committee on Finance.

23 (B) REPORTING AND DISCHARGE.—If the
24 Committee on Finance has not reported such
25 joint resolution of disapproval within 10 days

1 on which the Senate is in session after the date
2 of referral of such joint resolution, that com-
3 mittee shall be discharged from further consid-
4 eration of such joint resolution and the joint
5 resolution shall be placed on the appropriate
6 calendar.

7 (C) MOTION TO PROCEED.—Notwith-
8 standing Rule XXII of the Standing Rules of
9 the Senate, it is in order at any time after the
10 Committee on Finance reports the joint resolu-
11 tion of disapproval to the Senate or has been
12 discharged from its consideration (even though
13 a previous motion to the same effect has been
14 disagreed to) to move to proceed to the consid-
15 eration of the joint resolution, and all points of
16 order against the joint resolution (and against
17 consideration of the joint resolution) shall be
18 waived. The motion to proceed is not debatable.
19 The motion is not subject to a motion to post-
20 pone. A motion to reconsider the vote by which
21 the motion is agreed to or disagreed to shall not
22 be in order. If a motion to proceed to the con-
23 sideration of the joint resolution of disapproval
24 is agreed to, the joint resolution shall remain
25 the unfinished business until disposed of.

1 (D) DEBATE.—Debate on the joint resolu-
2 tion of disapproval, and on all debatable mo-
3 tions and appeals in connection therewith, shall
4 be limited to not more than 10 hours, which
5 shall be divided equally between the majority
6 and minority leaders or their designees. A mo-
7 tion to further limit debate is in order and not
8 debatable. An amendment to, or a motion to
9 postpone, or a motion to proceed to the consid-
10 eration of other business, or a motion to recom-
11 mit the joint resolution of disapproval is not in
12 order.

13 (E) VOTE ON PASSAGE.—The vote on pas-
14 sage shall occur immediately following the con-
15 clusion of the debate on the joint resolution of
16 disapproval and a single quorum call at the con-
17 clusion of the debate, if requested in accordance
18 with the rules of the Senate.

19 (F) RULES OF THE CHAIR ON PROCE-
20 DURE.—Appeals from the decisions of the Chair
21 relating to the application of the rules of the
22 Senate, as the case may be, to the procedure re-
23 lating to the joint resolution of disapproval shall
24 be decided without debate.

1 (G) CONSIDERATION OF VETO MES-
2 SAGES.—Debate in the Senate of any veto mes-
3 sage with respect to the joint resolution of dis-
4 approval, including all debatable motions and
5 appeals in connection with such joint resolution,
6 shall be limited to 10 hours, to be equally di-
7 vided between, and controlled by, the majority
8 leader and the minority leader or their des-
9 ignees.

10 (6) PROCEDURES IN THE SENATE.—Except as
11 otherwise provided in this subsection, the following
12 procedures shall apply in the Senate to a joint reso-
13 lution of disapproval to which this subsection ap-
14 plies:

15 (A) Except as provided in subparagraph
16 (B), a joint resolution of disapproval that has
17 passed the House of Representatives shall,
18 when received in the Senate, be referred to the
19 Committee on Finance for consideration in ac-
20 cordance with this subsection.

21 (B) If a joint resolution of disapproval to
22 which this subsection applies was introduced in
23 the Senate before receipt of a joint resolution of
24 disapproval that has passed the House of Rep-
25 resentatives, the joint resolution from the

1 House of Representatives shall, when received
2 in the Senate, be placed on the calendar. If this
3 subparagraph applies, the procedures in the
4 Senate with respect to a joint resolution of dis-
5 approval introduced in the Senate that contains
6 the identical matter as the joint resolution of
7 disapproval that passed the House of Rep-
8 resentatives shall be the same as if no joint res-
9 olution of disapproval had been received from
10 the House of Representatives, except that the
11 vote on passage in the Senate shall be on the
12 joint resolution of disapproval that passed the
13 House of Representatives.

14 (7) RULES OF THE HOUSE OF REPRESENTA-
15 TIVES AND SENATE.—This subsection is enacted by
16 Congress—

17 (A) as an exercise of the rulemaking power
18 of the Senate and the House of Representa-
19 tives, respectively, and as such are deemed a
20 part of the rules of each House, respectively,
21 but applicable only with respect to the proce-
22 dure to be followed in that House in the case
23 of legislation described in those sections, and
24 supersede other rules only to the extent that
25 they are inconsistent with such rules; and

1 (B) with full recognition of the constitu-
2 tional right of either House to change the rules
3 (so far as relating to the procedure of that
4 House) at any time, in the same manner, and
5 to the same extent as in the case of any other
6 rule of that House.

7 **SEC. 5. COOPERATION AND ACCOUNTABILITY AT THE**
8 **WORLD TRADE ORGANIZATION.**

9 The United States Trade Representative shall use the
10 voice and influence of the United States at the WTO to—

11 (1) condemn the recent aggression in Ukraine;

12 (2) encourage other WTO members to suspend
13 trade concessions to the Russian Federation and the
14 Republic of Belarus;

15 (3) consider further steps with the view to sus-
16 pend the Russian Federation's participation in the
17 WTO; and

18 (4) seek to halt the accession process of the Re-
19 public of Belarus at the WTO and cease accession-
20 related work.

1 **SEC. 6. MODIFICATIONS TO AND REAUTHORIZATION OF**
2 **SANCTIONS UNDER THE GLOBAL MAGNITSKY**
3 **HUMAN RIGHTS ACCOUNTABILITY ACT WITH**
4 **RESPECT TO HUMAN RIGHTS VIOLATIONS.**

5 (a) DEFINITIONS.—Section 1262 of the Global
6 Magnitsky Human Rights Accountability Act (subtitle F
7 of title XII of Public Law 114–328; 22 U.S.C. 2656 note)
8 is amended by striking paragraph (2).

9 (b) SENSE OF CONGRESS.—

10 (1) IN GENERAL.—The Global Magnitsky
11 Human Rights Accountability Act (subtitle F of title
12 XII of Public Law 114–328; 22 U.S.C. 2656 note)
13 is amended by inserting after section 1262 (as
14 amended by subsection (a)) the following new sec-
15 tion:

16 **“SEC. 1262A. SENSE OF CONGRESS.**

17 “It is the sense of Congress that the President should
18 establish and regularize information sharing and sanc-
19 tions-related decisionmaking with like-minded govern-
20 ments possessing human rights and anti-corruption sanc-
21 tions programs similar in nature to those authorized under
22 this subtitle.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents in section 2(b) and in title XII of division A
25 of the National Defense Authorization Act for Fiscal
26 Year 2017 (Public Law 114–328) are each amended

1 by inserting after the items relating to section 1262
2 the following:

“Sec. 1262A. Sense of Congress.”.

3 (c) IMPOSITION OF SANCTIONS.—

4 (1) IN GENERAL.—Subsection (a) of section
5 1263 of the Global Magnitsky Human Rights Ac-
6 countability Act (Subtitle F of title XII of Public
7 Law 114–328; 22 U.S.C. 2656 note) is amended to
8 read as follows:

9 “(a) IN GENERAL.—The President may impose the
10 sanctions described in subsection (b) with respect to any
11 foreign person that the President determines, based on
12 credible information—

13 “(1) is responsible for or complicit in, or has di-
14 rectly or indirectly engaged in, serious human rights
15 abuse;

16 “(2) is a current or former government official,
17 or a person acting for or on behalf of such an offi-
18 cial, who is responsible for or complicit in, or has di-
19 rectly or indirectly engaged in—

20 “(A) corruption, including—

21 “(i) the misappropriation of state as-
22 sets;

23 “(ii) the expropriation of private as-
24 sets for personal gain;

1 “(iii) corruption related to government
2 contracts or the extraction of natural re-
3 sources; or

4 “(iv) bribery; or

5 “(B) the transfer or facilitation of the
6 transfer of the proceeds of corruption;

7 “(3) is or has been a leader or official of—

8 “(A) an entity, including a government en-
9 tity, that has engaged in, or whose members
10 have engaged in, any of the activities described
11 in paragraph (1) or (2) during the tenure of the
12 leader or official; or

13 “(B) an entity whose property and inter-
14 ests in property are blocked pursuant to this
15 section as a result of activities during the ten-
16 ure of the leader or official;

17 “(4) has materially assisted, sponsored, or pro-
18 vided financial, material, or technological support
19 for, or goods or services to or in support of—

20 “(A) an activity described in paragraph (1)
21 or (2) that is conducted by a foreign person;

22 “(B) a person whose property and inter-
23 ests in property are blocked pursuant to this
24 section; or

1 “(C) an entity, including a government en-
 2 tity, that has engaged in, or whose members
 3 have engaged in, an activity described in para-
 4 graph (1) or (2) conducted by a foreign person;
 5 or

6 “(5) is owned or controlled by, or has acted or
 7 been purported to act for or on behalf of, directly or
 8 indirectly, a person whose property and interests in
 9 property are blocked pursuant to this section.”.

10 (2) CONSIDERATION OF CERTAIN INFORMA-
 11 TION.—Subsection (c)(2) of such section is amended
 12 by striking “violations of human rights” and insert-
 13 ing “corruption and human rights abuses”.

14 (3) REQUESTS BY CONGRESS.—Subsection
 15 (d)(2) of such section is amended—

16 (A) in subparagraph (A)—

17 (i) in the subparagraph heading, by
 18 striking “HUMAN RIGHTS VIOLATIONS”
 19 and inserting “SERIOUS HUMAN RIGHTS
 20 ABUSE”;

21 (ii) by striking “described in para-
 22 graph (1) or (2) of subsection (a)” and in-
 23 serting “described in subsection (a) relat-
 24 ing to serious human rights abuse”; and

25 (B) in subparagraph (B)—

1 (i) in the matter preceding clause (i),
 2 by striking “described in paragraph (3) or
 3 (4) of subsection (a)” and inserting “de-
 4 scribed in subsection (a) relating to cor-
 5 ruption or the transfer or facilitation of
 6 the transfer of the proceeds of corruption”;
 7 and

8 (ii) by striking “ranking member of—
 9 ” and all that follows through the period at
 10 the end and inserting “ranking member of
 11 one of the appropriate congressional com-
 12 mittees.”.

13 (d) REPORTS TO CONGRESS.—Section 1264(a) of the
 14 Global Magnitsky Human Rights Accountability Act (sub-
 15 title F of title XII of Public Law 114–328; 22 U.S.C.
 16 2656 note) is amended—

17 (1) in paragraph (5), by striking “; and” and
 18 inserting a semicolon;

19 (2) in paragraph (6), by striking the period at
 20 the end and inserting a semicolon; and

21 (3) by adding at the end the following:

22 “(7) a description of additional steps taken by
 23 the President through diplomacy, international en-
 24 gagement, and assistance to foreign or security sec-
 25 tors to address persistent underlying causes of seri-

1 ous human rights abuse and corruption in each
2 country in which foreign persons with respect to
3 which sanctions have been imposed under section
4 1263 are located; and

5 “(8) a description of additional steps taken by
6 the President to ensure the pursuit of judicial ac-
7 countability in appropriate jurisdictions with respect
8 to those foreign persons subject to sanctions under
9 section 1263 for serious human rights abuse and
10 corruption.”.

11 (e) REPEAL OF SUNSET.—

12 (1) IN GENERAL.—Section 1265 of the Global
13 Magnitsky Human Rights Accountability Act (sub-
14 title F of title XII of Public Law 114–328; 22
15 U.S.C. 2656 note) is repealed.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents in section 2(b) and in title XII of division A
18 of the National Defense Authorization Act for Fiscal
19 Year 2017 (Public Law 114–328) are each amended
20 by striking the items relating to section 1265.

Passed the House of Representatives March 17,
2022.

Attest:

CHERYL L. JOHNSON,

Clerk.

Calendar No. 313

117TH CONGRESS
2^D Session

H. R. 7108

AN ACT

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