

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**H. R. 7108**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. SCHUMER

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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:

8 (1) The United States is a founding member of

9 the World Trade Organization (WTO) and is com-

10 mitted to ensuring that the WTO remains an effec-

11 tive forum for peaceful economic engagement.

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

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

8           (4) Ukraine acceded to the Marrakesh Agree-  
9 ment Establishing the World Trade Organization  
10 (WTO Agreement) and has been a WTO member  
11 since 2008.

12           (5) Ukraine's participation in the WTO Agree-  
13 ment creates both rights and obligations vis-à-vis  
14 other WTO members.

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

19           (7) From the date of its accession, the Russian  
20 Federation committed to apply fully all provisions of  
21 the WTO.

22           (8) The United States Congress authorized per-  
23 manent normal trade relations for the Russian Fed-  
24 eration through the Russia and Moldova Jackson-

1 Vanik Repeal and Sergei Magnitsky Rule of Law  
2 Accountability Act of 2012 (Public Law 112–208).

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

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

13 (A) denies Ukraine and its people their col-  
14 lective rights to independence, sovereignty, and  
15 territorial integrity;

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

21 (C) denies Ukraine its rightful ability to  
22 participate in international organizations, in-  
23 cluding the WTO.

24 (11) The Republic of Belarus, also led by a  
25 ruthless dictator, Aleksander Lukashenka, is pro-

1       viding important material support to the Russian  
2       Federation's aggression.

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

6               (13) The United States, along with its allies  
7       and partners, has responded to recent aggression by  
8       the Russian Federation in Ukraine by imposing  
9       sweeping financial sanctions and stringent export  
10      controls.

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

16 **SEC. 3. SUSPENSION OF NORMAL TRADE RELATIONS WITH**  
17                               **THE RUSSIAN FEDERATION AND THE REPUB-**  
18                               **LIC OF BELARUS.**

19              (a) **NONDISCRIMINATORY TARIFF TREATMENT.**—  
20      Notwithstanding any other provision of law, beginning on  
21      the day after the date of the enactment of this Act, the  
22      rates of duty set forth in column 2 of the Harmonized  
23      Tariff Schedule of the United States shall apply to all  
24      products of the Russian Federation and of the Republic  
25      of Belarus.

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

3 (1) IN GENERAL.—The President may proclaim  
4 increases in the rates of duty applicable to products  
5 of the Russian Federation or the Republic of  
6 Belarus, above the rates set forth in column 2 of the  
7 Harmonized Tariff Schedule of the United States.

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

16 (3) TERMINATION.—The authority to issue  
17 proclamations under this subsection shall terminate  
18 on January 1, 2024.

19 **SEC. 4. RESUMPTION OF APPLICATION OF HTS COLUMN 1**  
20 **RATES OF DUTY AND RESTORATION OF NOR-**  
21 **MAL TRADE RELATIONS TREATMENT FOR**  
22 **THE RUSSIAN FEDERATION AND THE REPUB-**  
23 **LIC OF BELARUS.**

24 (a) TEMPORARY APPLICATION OF HTS COLUMN 1  
25 RATES OF DUTY.—

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

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

20                   (A) consult with—

21                           (i) the Committee on Ways and  
22 Means and the Committee on Foreign Af-  
23 fairs of the House of Representatives; and

1 (ii) the Committee on Finance and  
2 the Committee on Foreign Relations of the  
3 Senate; and

4 (B) submit to all such committees a report  
5 that explains the basis for the determination of  
6 the President contained in such certification.

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

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

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

24 (A) consult with—

1 (i) the Committee on Ways and  
2 Means and the Committee on Foreign Af-  
3 fairs of the House of Representatives; and

4 (ii) the Committee on Finance and  
5 the Committee on Foreign Relations of the  
6 Senate; and

7 (B) submit to all such committees a report  
8 that explains the basis for the determination of  
9 the President contained in such certification.

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

19 (4) PRODUCTS OF THE REPUBLIC OF  
20 BELARUS.—If the President submits pursuant to  
21 paragraph (1) a certification under subsection (c)  
22 with respect to the Republic of Belarus and a joint  
23 resolution of disapproval is not enacted during the  
24 90-day period described in that paragraph, the  
25 President may, subject to the provisions of chapter



1 1 of title IV of the Trade Act of 1974 (19 U.S.C.  
2 2431 et seq.), grant nondiscriminatory tariff treat-  
3 ment (normal trade relations) to the products of the  
4 Republic of Belarus.

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

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

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

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

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

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

1 (d) JOINT RESOLUTION OF DISAPPROVAL.—

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

5 (A) which does not have a preamble;

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

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

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

1           (3) INTRODUCTION IN THE SENATE.—During a  
2           period of 5 days on which the Senate is in session  
3           beginning on the date that a certification under sub-  
4           section (c) is submitted to Congress, a joint resolu-  
5           tion of disapproval may be introduced in the Senate  
6           by the majority leader (or the majority leader’s des-  
7           ignee) or the minority leader (or the minority lead-  
8           er’s designee).

9           (4) FLOOR CONSIDERATION IN THE HOUSE OF  
10          REPRESENTATIVES.—

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

18           (B) PROCEEDING TO CONSIDERATION.—  
19           Beginning on the third legislative day after  
20           each committee to which a joint resolution of  
21           disapproval has been referred reports it to the  
22           House or has been discharged from further con-  
23           sideration thereof, it shall be in order to move  
24           to proceed to consider the joint resolution in the  
25           House. All points of order against the motion

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

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

21 (5) CONSIDERATION IN THE SENATE.—

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

1           (B) REPORTING AND DISCHARGE.—If the  
2           Committee on Finance has not reported such  
3           joint resolution of disapproval within 10 days  
4           on which the Senate is in session after the date  
5           of referral of such joint resolution, that com-  
6           mittee shall be discharged from further consid-  
7           eration of such joint resolution and the joint  
8           resolution shall be placed on the appropriate  
9           calendar.

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

1           sideration of the joint resolution of disapproval  
2           is agreed to, the joint resolution shall remain  
3           the unfinished business until disposed of.

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

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

22          (F) RULES OF THE CHAIR ON PROCE-  
23          DURE.—Appeals from the decisions of the Chair  
24          relating to the application of the rules of the  
25          Senate, as the case may be, to the procedure re-

1           lating to the joint resolution of disapproval shall  
2           be decided without debate.

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

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

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

23                   (B) If a joint resolution of disapproval to  
24                   which this subsection applies was introduced in  
25                   the Senate before receipt of a joint resolution of

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

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

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



1           supersede other rules only to the extent that  
2           they are inconsistent with such rules; and

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

9 **SEC. 5. COOPERATION AND ACCOUNTABILITY AT THE**  
10 **WORLD TRADE ORGANIZATION.**

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

13           (1) condemn the recent aggression in Ukraine;

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

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

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

1 **SEC. 6. REAUTHORIZATION OF SANCTIONS UNDER THE**  
2 **GLOBAL MAGNITSKY HUMAN RIGHTS AC-**  
3 **COUNTABILITY ACT WITH RESPECT TO**  
4 **HUMAN RIGHTS VIOLATIONS AND CORRUP-**  
5 **TION.**

6 (a) **IN GENERAL.**—Section 1265 of the Global  
7 Magnitsky Human Rights Accountability Act (subtitle F  
8 of title XII of Public Law 114–328; 22 U.S.C. 2656 note)  
9 is repealed.

10 (b) **CLERICAL AMENDMENT.**—The table of contents  
11 in section 2(b) and in title XII of division A of the Na-  
12 tional Defense Authorization Act for Fiscal Year 2017  
13 (Public Law 114–328) are each amended by striking the  
14 items relating to section 1265.