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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
 of Belarus, and for other

AMENDMENT N^o 5020By Schumer

To: _____

H. R. 7108

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Page(s)

SUBSTITUTE intended

SCHUMER

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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.