

117TH CONGRESS
2D SESSION

S. 3786

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

IN THE SENATE OF THE UNITED STATES

MARCH 8 (legislative day, MARCH 7), 2022

Mr. WYDEN (for himself and Mr. CRAPO) introduced the following bill; which
was read twice and referred to the Committee on Finance

A BILL

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 known 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-

1 mitted to ensuring that the WTO remains an effective forum for peaceful economic engagement.

3 (2) Ukraine is a sovereign nation-state that is entitled to enter into agreements with other sovereign states and to full respect of its territorial integrity.

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

10 (4) Ukraine acceded to the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement) and has been a WTO member since 2008.

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

17 (6) The Russian Federation acceded to the WTO on August 22, 2012, becoming the 156th WTO member, and the Republic of Belarus has applied to accede to the WTO.

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

24 (8) The United States Congress authorized permanent normal trade relations for the Russian Fed-

1 eration through the Russia and Moldova Jackson-
2 Vanik Repeal and Sergei Magnitsky Rule of Law
3 Accountability Act of 2012 (Public Law 112–208).

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

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

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

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

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

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

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

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

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

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

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

1 products of the Russian Federation and of the Republic
2 of Belarus.

3 (b) AUTHORITY TO PROCLAIM INCREASED COLUMN
4 2 RATES.—

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

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

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

21 **SEC. 4. PROHIBITION ON IMPORTATION OF ENERGY PROD-**
22 **UCTS OF THE RUSSIAN FEDERATION.**

23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, all products of the Russian Federation classi-
25 fied under chapter 27 of the Harmonized Tariff Schedule

1 of the United States shall be banned from importation into
 2 the United States, other than products imported on or be-
 3 fore 11:59 p.m. eastern daylight time on the date that is
 4 45 days after the date of the enactment of this Act.

5 (b) TERMINATION UPON EXTENSION OF NORMAL
 6 TRADE RELATIONS WITH THE RUSSIAN FEDERATION.—
 7 The prohibition under subsection (a) shall terminate on
 8 the date on which the President grants permanent non-
 9 discriminatory tariff treatment (normal trade relations) to
 10 the products of the Russian Federation pursuant to sec-
 11 tion 5(b)(3).

12 **SEC. 5. RESUMPTION OF APPLICATION OF HTS COLUMN 1**
 13 **RATES OF DUTY AND RESTORATION OF NOR-**
 14 **MAL TRADE RELATIONS TREATMENT FOR**
 15 **THE RUSSIAN FEDERATION AND THE REPUB-**
 16 **LIC OF BELARUS.**

17 (a) TEMPORARY APPLICATION OF HTS COLUMN 1
 18 RATES OF DUTY.—

19 (1) IN GENERAL.—Notwithstanding any other
 20 provision of law (including the application of column
 21 2 rates of duty under section 3), the President is au-
 22 thorized to temporarily resume, for one or more pe-
 23 riods not to exceed 1 year each, the application of
 24 the rates of duty set forth in column 1 of the Har-
 25 monized Tariff Schedule of the United States to the

1 products of the Russian Federation, the Republic of
 2 Belarus, or both, if the President submits to Con-
 3 gress with respect to either or both such countries
 4 a certification under subsection (c) for each such pe-
 5 riod. Such action shall take effect beginning on the
 6 date that is 90 calendar days after the date of sub-
 7 mission of such certification for such period, unless
 8 there is enacted into law during such 90-day period
 9 a joint resolution of disapproval.

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

13 (A) consult with the Committee on Ways
 14 and Means of the House of Representatives and
 15 the Committee on Finance of the Senate; and

16 (B) submit to both such committees a re-
 17 port that explains the basis for the determina-
 18 tion of the President contained in such certifi-
 19 cation.

20 (b) RESTORATION OF NORMAL TRADE RELATIONS
 21 TREATMENT.—

22 (1) IN GENERAL.—The President is authorized
 23 to resume the application of the rates of duty set
 24 forth in column 1 of the Harmonized Tariff Sched-
 25 ule of the United States to the products of the Rus-

1 sian Federation, the Republic of Belarus, or both, if
2 the President submits to Congress with respect to ei-
3 ther or both such countries a certification under
4 subsection (c). Such action shall take effect begin-
5 ning on the date that is 90 calendar days after the
6 date of submission of such certification, unless there
7 is enacted into law during such 90-day period a joint
8 resolution of disapproval.

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

12 (A) consult with the Committee on Ways
13 and Means of the House of Representatives and
14 the Committee on Finance of the Senate; and

15 (B) submit to both such committees a re-
16 port that explains the basis for the determina-
17 tion of the President contained in such certifi-
18 cation.

19 (3) PRODUCTS OF THE RUSSIAN FEDERA-
20 TION.—If the President submits pursuant to para-
21 graph (1) a certification under subsection (c) with
22 respect to the Russian Federation and a joint resolu-
23 tion of disapproval is not enacted during the 90-day
24 period described in that paragraph, the President
25 may grant permanent nondiscriminatory tariff treat-

1 ment (normal trade relations) to the products of the
2 Russian Federation.

3 (4) PRODUCTS OF THE REPUBLIC OF
4 BELARUS.—If the President submits pursuant to
5 paragraph (1) a certification under subsection (c)
6 with respect to the Republic of Belarus and a joint
7 resolution of disapproval is not enacted during the
8 90-day period described in that paragraph, the
9 President may, subject to the provisions of chapter
10 1 of title IV of the Trade Act of 1974 (19 U.S.C.
11 2431 et seq.), grant nondiscriminatory tariff treat-
12 ment (normal trade relations) to the products of the
13 Republic of Belarus.

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

16 (1) specifies the action proposed to be taken
17 pursuant to the certification and whether such ac-
18 tion is pursuant to subsection (a)(1) or (b)(1) of this
19 section; and

20 (2) contains a determination of the President
21 that the Russian Federation or the Republic of
22 Belarus (or both)—

23 (A) has withdrawn its forces and ceased all
24 acts of aggression against Ukraine;

1 (B) poses no immediate threat of aggres-
 2 sion to any North Atlantic Treaty Organization
 3 ally or partner; and

4 (C) recognizes a free and independent
 5 Ukraine, including with respect to the ability of
 6 its people to choose their own government.

7 (d) JOINT RESOLUTION OF DISAPPROVAL.—

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

11 (A) which does not have a preamble;

12 (B) the title of which is as follows: “Joint
 13 resolution disapproving the President’s certifi-
 14 cation under section 5(c) of the Suspending
 15 Normal Trade Relations with Russia and
 16 Belarus Act.”; and

17 (C) the matter after the resolving clause of
 18 which is as follows: “That Congress disapproves
 19 the certification of the President under section
 20 5(c) of the Suspending Normal Trade Relations
 21 with Russia and Belarus Act, submitted to Con-
 22 gress on _____”, the blank space being filled
 23 in with the appropriate date.

24 (2) INTRODUCTION IN THE HOUSE OF REP-
 25 RESENTATIVES.—During a period of 5 legislative

1 days beginning on the date that a certification under
2 section 5(c) is submitted to Congress, a joint resolu-
3 tion of disapproval may be introduced in the House
4 of Representatives by the majority leader or the mi-
5 nority leader.

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

14 (4) FLOOR CONSIDERATION IN THE HOUSE OF
15 REPRESENTATIVES.—

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

23 (B) PROCEEDING TO CONSIDERATION.—
24 Beginning on the third legislative day after
25 each committee to which a joint resolution of

1 disapproval has been referred reports it to the
2 House or has been discharged from further con-
3 sideration thereof, it shall be in order to move
4 to proceed to consider the joint resolution in the
5 House. All points of order against the motion
6 are waived. Such a motion shall not be in order
7 after the House has disposed of a motion to
8 proceed on a joint resolution with regard to the
9 same certification. The previous question shall
10 be considered as ordered on the motion to its
11 adoption without intervening motion. The mo-
12 tion shall not be debatable. A motion to recon-
13 sider the vote by which the motion is disposed
14 of shall not be in order.

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

1 (5) CONSIDERATION IN THE SENATE.—

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

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

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

1 The motion is not subject to a motion to post-
2 pone. A motion to reconsider the vote by which
3 the motion is agreed to or disagreed to shall not
4 be in order. If a motion to proceed to the con-
5 sideration of the joint resolution of disapproval
6 is agreed to, the joint resolution shall remain
7 the unfinished business until disposed of.

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

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

1 (F) RULES OF THE CHAIR ON PROCE-
2 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 re-
5 lating to the joint resolution of disapproval shall
6 be decided without debate.

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

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

21 (A) Except as provided in subparagraph
22 (B), a joint resolution of disapproval that has
23 passed the House of Representatives shall,
24 when received in the Senate, be referred to the

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

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

21 (7) RULES OF THE HOUSE OF REPRESENTA-
22 TIVES AND THE SENATE.—This subsection is en-
23 acted by Congress—

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

tives, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of legislation described in those sections, and supersede other rules only to the extent that they are inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SEC. 6. COOPERATION AND ACCOUNTABILITY AT THE
WORLD TRADE ORGANIZATION.**

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;

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

(3) consider further steps with the view to suspend the Russian Federation's participation in the WTO; and

- 1 (4) seek to halt the accession process of the Re-
- 2 public of Belarus at the WTO and cease accession-
- 3 related work.

