117TH CONGRESS
2D SESSION

S.

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

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

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

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

(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.

(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.

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

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

(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.

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

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

(9) Ukraine communicated to the WTO General Council on March 2, 2022, urging that all WTO members take action against the Russian Federation and “consider further steps with the view to suspending the Russian Federation’s participation in the WTO for its violation of the purpose and principles of this Organization”.

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

(A) denies Ukraine and its people their collective rights to independence, sovereignty, and territorial integrity;

(B) constitutes an emergency in international relations, because it is a situation of armed conflict that threatens the peace and security of all countries, including the United States; and

(C) denies Ukraine its rightful ability to participate in international organizations, including the WTO.
(11) The Republic of Belarus, also led by a ruthless dictator, Aleksander Lukashenka, is providing important material support to the Russian Federation’s aggression.

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

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

(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.

SEC. 3. SUSPENSION OF NORMAL TRADE RELATIONS WITH THE RUSSIAN FEDERATION AND THE REPUBLIC OF BELARUS.

(a) Nondiscriminatory Tariff Treatment.—Notwithstanding any other provision of law, beginning on the day after the date of the enactment of this Act, the rates of duty set forth in column 2 of the Harmonized Tariff Schedule of the United States shall apply to all
products of the Russian Federation and of the Republic of Belarus.

(b) Authority to Proclaim Increased Column 2 Rates.—

(1) In general.—The President may proclaim increases in the rates of duty applicable to products of the Russian Federation or the Republic of Belarus, above the rates set forth in column 2 of the Harmonized Tariff Schedule of the United States.

(2) Prior consultation.—The President shall, not later than 5 calendar days before issuing any proclamation under paragraph (1), consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the basis for and anticipated impact of the proposed increases to rates of duty described in paragraph (1).

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

SEC. 4. PROHIBITION ON IMPORTATION OF ENERGY PRODUCTS OF THE RUSSIAN FEDERATION.

(a) In general.—Notwithstanding any other provision of law, all products of the Russian Federation classified under chapter 27 of the Harmonized Tariff Schedule
of the United States shall be banned from importation into
the United States, other than products imported on or be-
fore 11:59 p.m. eastern daylight time on the date that is
45 days after the date of the enactment of this Act.

(b) Termination Upon Extension of Normal
Trade Relations With the Russian Federation.—
The prohibition under subsection (a) shall terminate on
the date on which the President grants permanent non-
discriminatory tariff treatment (normal trade relations) to
the products of the Russian Federation pursuant to sec-

SEC. 5. Resumption of Application of HTS Column 1
Rates of Duty and Restoration of Normal Trade Relations Treatment for
The Russian Federation and the Republic of Belarus.

(a) Temporary Application of HTS Column 1
Rates of Duty.—

(1) In general.—Notwithstanding any other
provision of law (including the application of column
2 rates of duty under section 3), the President is au-
thorized to temporarily resume, for one or more pe-
riods not to exceed 1 year each, the application of
the rates of duty set forth in column 1 of the Har-
monized 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) for each such period. Such action shall take effect beginning on the date that is 90 calendar days after the date of submission 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 Relations Treatment.—

(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 Rus-
sian Federation, the Republic of Belarus, or both, if
the President submits to Congress with respect to ei-
ther or both such countries a certification under
subsection (c). Such action shall take effect begin-
nning 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 Presi-
dent 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 re-
port that explains the basis for the determina-
tion of the President contained in such certifi-
cation.

(3) PRODUCTS OF THE RUSSIAN FEDERA-
tion.—If the President submits pursuant to para-
graph (1) a certification under subsection (c) with
respect to the Russian Federation and a joint resolu-
tion of disapproval is not enacted during the 90-day
period described in that paragraph, the President
may grant permanent nondiscriminatory tariff treat-
ment (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 resolution of disapproval is not enacted during the 90-day period described in that paragraph, the President may, subject to the provisions of chapter 1 of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), grant nondiscriminatory tariff treatment (normal trade relations) to the products of the Republic of Belarus.

(e) Certification.—A certification under this subsection is a certification in writing that—

(1) specifies the action proposed to be taken pursuant to the certification and whether such action is pursuant to subsection (a)(1) or (b)(1) of this section; and

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

(A) has withdrawn its forces and ceased all acts of aggression against Ukraine;
(B) poses no immediate threat of aggression to any North Atlantic Treaty Organization ally or partner; and

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

(d) **JOINT RESOLUTION OF DISAPPROVAL.**—

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

(A) which does not have a preamble;

(B) the title of which is as follows: “Joint resolution disapproving the President’s certification under section 5(c) of the Suspending Normal Trade Relations with Russia and Belarus Act.”; and

(C) the matter after the resolving clause of which is as follows: “That Congress disapproves the certification of the President under section 5(c) of the Suspending Normal Trade Relations with Russia and Belarus Act, submitted to Congress on ______”, the blank space being filled in with the appropriate date.

(2) **INTRODUCTION IN THE HOUSE OF REPRESENTATIVES.**—During a period of 5 legislative
days beginning on the date that a certification under section 5(c) is submitted to Congress, a joint resolution of disapproval may be introduced in the House of Representatives by the majority leader or 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 section 5(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 con-
sideration 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 mo-
tion shall not be debatable. A motion to recons-
sider the vote by which the motion is disposed
of shall not be in order.

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

(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 postpone. 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.
(F) Rules of the Chair on Procedure.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to the joint resolution of disapproval shall be decided without debate.

(G) Consideration of Veto Messages.—Debate in the Senate of any 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
Committee on Finance for consideration in accordance with this subsection.

(B) If a joint resolution of disapproval to which this section 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 the Senate.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power 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
seek to halt the accession process of the Republic of Belarus at the WTO and cease accession-related work.