

Public Law 117–110
117th Congress

An Act

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

Apr. 8, 2022
[H.R. 7108]

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

SECTION 1. SHORT TITLE.

This Act may be cited 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 committed 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 Federation 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—

Suspending
Normal Trade
Relations with
Russia and
Belarus Act.
19 USC 2101
note.
19 USC 2434
note.

(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 Lukashenko, 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.

Effective date.
Applicability.

(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.

President.

(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.

Deadline.

(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.

President.
Time periods.

SEC. 4. 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 authorized to temporarily resume,

for one or more periods not to exceed 1 year each, 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 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.

Effective date.

(2) CONSULTATION AND REPORT.—The President shall, not later than 45 calendar days before submitting a certification under paragraph (1)—

(A) consult with—

(i) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

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

(B) submit to all 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 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). Such action shall take effect beginning 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.

Effective date.

(2) CONSULTATION AND REPORT.—The President shall, not later than 45 calendar days before submitting a certification under paragraph (1)—

(A) consult with—

(i) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

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

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

(3) PRODUCTS OF THE RUSSIAN FEDERATION.—If the President submits pursuant to paragraph (1) a certification under subsection (c) with respect to the Russian Federation and a joint resolution of disapproval is not enacted during the 90-day period described in that paragraph, the President may grant permanent nondiscriminatory tariff treatment (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.

(c) 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

Determination.

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

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

(B) poses no immediate military threat of aggression to any North Atlantic Treaty Organization member; and

(C) recognizes the right of the people of Ukraine to independently and freely 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 4(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 4(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.

Effective date.

(2) INTRODUCTION IN THE HOUSE OF REPRESENTATIVES.—During a period of 5 legislative days beginning on the date that a certification under subsection (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.

Effective date.

(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 subsection (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.—

Deadline.

(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.

Effective date.

(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 consideration 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 motion shall not be debatable. A motion to reconsider 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 consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except two hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion 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. Deadline.

(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.

Applicability.

(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 subsection 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 SENATE.—This subsection is enacted by Congress—

Applicability.

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, 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. 5. 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
- (4) seek to halt the accession process of the Republic of Belarus at the WTO and cease accession-related work.

SEC. 6. REAUTHORIZATION OF SANCTIONS UNDER THE GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT WITH RESPECT TO HUMAN RIGHTS VIOLATIONS AND CORRUPTION.

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

Repeal.

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

130 Stat. 2014,
2473.

Approved April 8, 2022.

LEGISLATIVE HISTORY—H.R. 7108:

CONGRESSIONAL RECORD, Vol. 168 (2022):

Mar. 17, considered and passed House.

Apr. 7, considered and passed Senate, amended. House concurred in Senate amendment.