Peter Welch

AMENDMENT NO.________ Calendar No.______

Purpose: To strike the authority to impose duties on countries that facilitate sanctions evasion.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

H. R. 5334

To amend the Internal Revenue Code of 1986 to allow early childhood educators to take the educator expense deduction, 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 intended to be proposed by Mr. WELCH to the amendment (No. 6711) proposed by Ms. GRAHAM (for herself and Mr. BLUMENTHAL)

Viz:

Strike section 113 of the amendment and insert the following:

SEC. 113. DUTIES ON COUNTRIES THAT PURCHASE RUSSIAN-ORIGIN CRUDE OIL OR NATURAL GAS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall, notwithstanding any other provision of law, increase the rate of duty for all goods imported into the United States from a country described in subsection (c) (and only from a country described in subsection (c)) to a rate of up to 100 percent ad valorem.

(b) MODIFICATION TO RATE OF DUTY.—At any time after the initial imposition of duties under subsection (a) or (e), the United States Trade Representative shall modify or adjust any rate of duty imposed under subsection (a) or (e) to a rate greater than zero and up to 100 percent ad valorem upon submitting a written determination to the appropriate congressional committees that a country described in subsection (c) has taken significant steps—

(1) to increase the importation, sale, supply, transfer, or purchase of crude oil or natural gas that originated in the Russian Federation; or

(2) to decrease or cease engaging in the importation, sale, supply, transfer, or purchase of such crude oil or natural gas.

(c) COUNTRY DESCRIBED.—A country described in this subsection is a foreign country that—

(1) knowingly made new purchases of crude oil or natural gas that originated in the Russian Federation on a date that is on or after 30 days after the date of enactment of this Act; and

(2) was among the 5 largest importers, by total volume, of crude oil or natural gas that originated

in the Russian Federation during the most recent 12-month period preceding the date of the enactment of this Act.

(d) EXCEPTION.—A duty shall not be imposed under this section with respect to goods imported from a country described in subsection (c) for the importation by that country of natural gas that originated in the Russian Federation if—

(1) that country's total imports of natural gas that originated in the Russian Federation during the 12-month period described in subsection (c)(2) were less than 15 percent of the total annual exports of natural gas from the Russian Federation during that period; and

(2) that country has taken significant steps to reduce its imports of natural gas that originated in the Russian Federation.

(e) SUBSEQUENT DETERMINATIONS.—Not later than 180 days after the initial imposition of duties under subsection (a), and every 180 days thereafter, the United States Trade Representative, in consultation with the Secretary of State and the Secretary of Energy, shall—

(1) determine, based on the most recent 12-month period preceding the determination, the countries that are—

(A) the 5 largest importers of crude oil, by total volume, originating in the Russian Federation; and

(B) the 5 largest importers of natural gas, by total volume, originating in the Russian Federation; and

(2) impose duties pursuant to subsection (a) with respect to goods imported from those countries.

(f) DUTY RATE IN ADDITION TO OTHER DUTIES, FEES, TAXES, EXACTIONS, OR CHARGES.—A rate of duty imposed under this section with respect to a good imported from a country described in subsection (c) shall be in addition to any other duty, fee, tax, exaction, or charge applicable with respect to the good, including any duty imposed under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), section 122, 201, or 301 of the Trade Act of 1974 (19 U.S.C. 2132, 2251, and 2411), or section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862).

(g) METHODOLOGY, DOCUMENTATION, AND REPORTS.—

(1) REPORTS REQUIRED.—Not later than 10 days before imposing a duty under subsection (a) or (e), or modifying or adjusting the rate of such a duty under subsection (b), the President or the United States Trade Representative shall submit to

the appropriate congressional committees a written justification for the duty that—

(A) provides a substantive rationale for the determination of the rate of duty imposed under subsection (a) or (e) or the modification or adjustment made pursuant to subsection (b), as the case may be; and

(B) details the methodology used to determine that the country subject to the duty is a country described in subsection (c).

(2) DETERMINATIONS OF IMPORTS OF CRUDE OIL AND NATURAL GAS.—For the purposes of determining whether a country is an importer of crude oil or natural gas described in subsection (c)(1)—

(A) crude oil is the substance described in Harmonized System code 2709; and

(B) natural gas is the substance described in Harmonized System code 2711.

(h) RULE OF CONSTRUCTION.—Notwithstanding section 115, nothing in this Act shall be construed to authorize the imposition of duties with respect to goods imported from any country not expressly described in subsection (c) or the Russian Federation.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Finance, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Ways and Means, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

(2) NATURAL GAS.—Except as provided by subsection (g)(2), the term "natural gas" means natural gas, whether unmixed or any mixture of natural and artificial gas, including liquefied natural gas.