

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish a price cap on exports of petroleum and petroleum products from the Russian Federation.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

H. R. 7900

To authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, 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 _____ to the amendment (No. 5499) proposed by Mr. REED

Viz:

1 At the end of subtitle C of title XII, add the fol-
2 lowing:

3 **SEC. 1239. ESTABLISHMENT AND ENFORCEMENT OF PRICE**
4 **CAP ON EXPORTS OF PETROLEUM AND PE-**
5 **TROLEUM PRODUCTS FROM THE RUSSIAN**
6 **FEDERATION.**

7 (a) PRICE CAP ON RUSSIAN PETROLEUM AND PE-
8 TROLEUM PRODUCTS.—

9 (1) ESTABLISHMENT OF PRICE CAP.—

1 (A) IN GENERAL.—Not later than March
2 30, 2023, the President shall, in consultation
3 with the governments of countries that are al-
4 lies and partners of the United States, establish
5 a cap on the price of seaborne petroleum and
6 petroleum products exported from the Russian
7 Federation.

8 (B) REDUCTIONS IN PRICE CAP.—The
9 President shall reduce the price cap established
10 under subparagraph (A) not less frequently
11 than once each year, on or before March 30,
12 2024, March 30, 2025, and March 30, 2026, in
13 a manner that ensures that, by March 30,
14 2026, the cap is low enough to prevent the Rus-
15 sian Federation from making a profit on ex-
16 ports of seaborne petroleum and petroleum
17 products.

18 (2) SUSPENSION OF PRICE CAP REDUCTION.—
19 For any year for which the President is required
20 under subparagraph (B) of paragraph (1) to reduce
21 the cap established under subparagraph (A) of that
22 paragraph, the President may suspend the require-
23 ment to reduce the cap if—

24 (A) the President—

1 (i) determines that the suspension is
2 necessary to prevent an unacceptable in-
3 crease in the global price of petroleum; and

4 (ii) not less than 30 days before the
5 suspension is to take effect, submits to the
6 appropriate congressional committees a re-
7 port on the suspension that includes an ex-
8 planation of the basis for the suspension;
9 and

10 (B) a joint resolution of disapproval is not
11 enacted into law under subsection (d) during
12 the 30-day period referred to in subparagraph
13 (A)(ii).

14 (3) IMPOSITION OF SANCTIONS TO ENFORCE
15 PRICE CAP.—The President shall impose one of the
16 sanctions described in subsection (b) with respect to
17 any foreign person that, on or after March 30, 2023,
18 knowingly imports, brokers, insures, reinsures, or fi-
19 nances the sale of seaborne petroleum or petroleum
20 products exported from the Russian Federation at a
21 price that is higher than the price cap in effect
22 under paragraph (1).

23 (b) SANCTIONS DESCRIBED.—The sanctions that
24 may be imposed with respect to a foreign person under
25 subsection (a) are the following:

1 (1) PROPERTY BLOCKING.—The exercise of all
2 powers granted to the President by the International
3 Emergency Economic Powers Act (50 U.S.C. 1701
4 et seq.) to the extent necessary to block and prohibit
5 all transactions in property and interests in property
6 of the foreign person if such property and interests
7 in property are in the United States, come within
8 the United States, or are or come within the posses-
9 sion or control of a United States person.

10 (2) PROHIBITION ON CORRESPONDENT AND
11 PAYABLE-THROUGH ACCOUNTS.—A prohibition on
12 the opening or maintaining in the United States of
13 a correspondent account or a payable-through ac-
14 count by the foreign person.

15 (c) NATIONAL INTEREST WAIVER.—The President
16 may waive the imposition of sanctions under this section
17 with respect to a foreign person if—

18 (1) the President—

19 (A) determines the waiver in the national
20 interests of the United States; and

21 (B) not less than 30 days before the waiv-
22 er is to take effect, submits to the appropriate
23 congressional committees a report on the waiver
24 that includes an explanation of the basis for the
25 waiver; and

1 (2) a joint resolution of disapproval is not en-
2 acted into law under subsection (d) during the 30-
3 day period referred to in paragraph (1)(B).

4 (d) JOINT RESOLUTIONS OF DISAPPROVAL.—

5 (1) DEFINITION.—In this subsection, the term
6 “joint resolution of disapproval” means—

7 (A) in the case of a joint resolution of dis-
8 approval referred to in subsection (a)(2)(B), a
9 joint resolution of either House of Congress the
10 sole matter after the resolving clause of which
11 is the following: “Congress disapproves of the
12 suspension of the requirement to reduce the
13 price cap established under subsection (a) of
14 section 1239 of the James M. Inhofe National
15 Defense Authorization Act for Fiscal Year 2023
16 proposed by the President in the report sub-
17 mitted to Congress under paragraph (2)(A)(ii)
18 of that subsection on _____.”, with the blank
19 space being filled with the appropriate date;
20 and

21 (B) in the case of a joint resolution of dis-
22 approval referred to in subsection (c)(2), a joint
23 resolution of either House of Congress the sole
24 matter after the resolving clause of which is the
25 following: “Congress disapproves of the waiver

1 of the imposition of sanctions under subsection
2 (c) of section 1239 of the James M. Inhofe Na-
3 tional Defense Authorization Act for Fiscal
4 Year 2023 proposed by the President in the re-
5 port submitted to Congress under paragraph
6 (1)(B) of that subsection on _____ relating to
7 _____”, with the first blank space being filled
8 with the appropriate date and the second blank
9 space being filled with the name of the person
10 to which the waiver would apply; and

11 (2) INTRODUCTION.—During the 30-day period
12 referred to in subsection (a)(2)(B) or (c)(2), as the
13 case may be, a joint resolution of disapproval may
14 be introduced—

15 (A) in the House of Representatives, by
16 the majority leader or the minority leader; and

17 (B) in the Senate, by the majority leader
18 (or the majority leader’s designee) or the mi-
19 nority leader (or the minority leader’s des-
20 ignee).

21 (3) FLOOR CONSIDERATION IN HOUSE OF REP-
22 REPRESENTATIVES.—If a committee of the House of
23 Representatives to which a joint resolution of dis-
24 approval has been referred has not reported the joint
25 resolution within 10 calendar days after the date of

1 referral, that committee shall be discharged from
2 further consideration of the joint resolution.

3 (4) CONSIDERATION IN THE SENATE.—

4 (A) COMMITTEE REFERRAL.—A joint reso-
5 lution of disapproval introduced in the Senate
6 shall be referred to the Committee on Banking,
7 Housing, and Urban Affairs.

8 (B) REPORTING AND DISCHARGE.—If the
9 Committee on Banking, Housing, and Urban
10 Affairs has not reported the joint resolution
11 within 10 calendar days after the date of refer-
12 ral of the joint resolution, that committee shall
13 be discharged from further consideration of the
14 joint resolution and the joint resolution shall be
15 placed on the appropriate calendar.

16 (C) PROCEEDING TO CONSIDERATION.—
17 Notwithstanding Rule XXII of the Standing
18 Rules of the Senate, it is in order at any time
19 after the Committee on Banking, Housing, and
20 Urban Affairs reports a joint resolution of dis-
21 approval to the Senate or has been discharged
22 from consideration of such a joint resolution
23 (even though a previous motion to the same ef-
24 fect has been disagreed to) to move to proceed
25 to the consideration of the joint resolution, and

1 all points of order against the joint resolution
2 (and against consideration of the joint resolu-
3 tion) are waived. The motion to proceed is not
4 debatable. The motion is not subject to a mo-
5 tion to postpone. A motion to reconsider the
6 vote by which the motion is agreed to or dis-
7 agreed to shall not be in order.

8 (D) RULINGS OF THE CHAIR ON PROCE-
9 DURE.—Appeals from the decisions of the Chair
10 relating to the application of the rules of the
11 Senate, as the case may be, to the procedure re-
12 lating to a joint resolution of disapproval shall
13 be decided without debate.

14 (E) CONSIDERATION OF VETO MES-
15 SAGES.—Debate in the Senate of any veto mes-
16 sage with respect to a joint resolution of dis-
17 approval, including all debatable motions and
18 appeals in connection with the joint resolution,
19 shall be limited to 10 hours, to be equally di-
20 vided between, and controlled by, the majority
21 leader and the minority leader or their des-
22 ignees.

23 (5) RULES RELATING TO SENATE AND HOUSE
24 OF REPRESENTATIVES.—

1 (A) TREATMENT OF SENATE JOINT RESO-
2 LUTION IN HOUSE.—In the House of Rep-
3 resentatives, the following procedures shall
4 apply to a joint resolution of disapproval re-
5 ceived from the Senate (unless the House has
6 already passed a joint resolution relating to the
7 same proposed action):

8 (i) The joint resolution shall be re-
9 ferred to the appropriate committees.

10 (ii) If a committee to which a joint
11 resolution has been referred has not re-
12 ported the joint resolution within 2 cal-
13 endar days after the date of referral, that
14 committee shall be discharged from further
15 consideration of the joint resolution.

16 (iii) Beginning on the third legislative
17 day after each committee to which a joint
18 resolution has been referred reports the
19 joint resolution to the House or has been
20 discharged from further consideration
21 thereof, it shall be in order to move to pro-
22 ceed to consider the joint resolution in the
23 House. All points of order against the mo-
24 tion are waived. Such a motion shall not be
25 in order after the House has disposed of a

1 motion to proceed on the joint resolution.
2 The previous question shall be considered
3 as ordered on the motion to its adoption
4 without intervening motion. The motion
5 shall not be debatable. A motion to recon-
6 sider the vote by which the motion is dis-
7 posed of shall not be in order.

8 (iv) The joint resolution shall be con-
9 sidered as read. All points of order against
10 the joint resolution and against its consid-
11 eration are waived. The previous question
12 shall be considered as ordered on the joint
13 resolution to final passage without inter-
14 vening motion except 2 hours of debate
15 equally divided and controlled by the spon-
16 sor of the joint resolution (or a designee)
17 and an opponent. A motion to reconsider
18 the vote on passage of the joint resolution
19 shall not be in order.

20 (B) TREATMENT OF HOUSE JOINT RESO-
21 LUTION IN SENATE.—

22 (i) RECEIPT BEFORE PASSAGE.—If,
23 before the passage by the Senate of a joint
24 resolution of disapproval, the Senate re-
25 ceives an identical joint resolution from the

11

1 House of Representatives, the following
2 procedures shall apply:

3 (I) That joint resolution shall not
4 be referred to a committee.

5 (II) With respect to that joint
6 resolution—

7 (aa) the procedure in the
8 Senate shall be the same as if no
9 joint resolution had been received
10 from the House of Representa-
11 tives; but

12 (bb) the vote on passage
13 shall be on the joint resolution
14 from the House of Representa-
15 tives.

16 (ii) RECEIPT AFTER PASSAGE.—If,
17 following passage of a joint resolution of
18 disapproval in the Senate, the Senate re-
19 ceives an identical joint resolution from the
20 House of Representatives, that joint reso-
21 lution shall be placed on the appropriate
22 Senate calendar.

23 (iii) NO COMPANION MEASURE.—If a
24 joint resolution of disapproval is received
25 from the House, and no companion joint

1 resolution has been introduced in the Sen-
2 ate, the Senate procedures under this sub-
3 section shall apply to the House joint reso-
4 lution.

5 (C) APPLICATION TO REVENUE MEAS-
6 URES.—The provisions of this paragraph shall
7 not apply in the House of Representatives to a
8 joint resolution of disapproval that is a revenue
9 measure.

10 (6) RULES OF HOUSE OF REPRESENTATIVES
11 AND SENATE.—This subsection is enacted by Con-
12 gress—

13 (A) as an exercise of the rulemaking power
14 of the Senate and the House of Representa-
15 tives, respectively, and as such is deemed a part
16 of the rules of each House, respectively, and su-
17 persedes other rules only to the extent that it
18 is inconsistent with such rules; and

19 (B) with full recognition of the constitu-
20 tional right of either House to change the rules
21 (so far as relating to the procedure of that
22 House) at any time, in the same manner, and
23 to the same extent as in the case of any other
24 rule of that House.

25 (e) IMPLEMENTATION; PENALTIES.—

1 (1) IMPLEMENTATION.—The President may ex-
2 ercise all authorities provided to the President under
3 sections 203 and 205 of the International Emer-
4 gency Economic Powers Act (50 U.S.C. 1702 and
5 1704) to carry out this section.

6 (2) PENALTIES.—A person that violates, at-
7 tempts to violate, conspires to violate, or causes a
8 violation of this section or any regulation, license, or
9 order issued to carry out this section shall be subject
10 to the penalties set forth in subsections (b) and (c)
11 of section 206 of the International Emergency Eco-
12 nomic Powers Act (50 U.S.C. 1705) to the same ex-
13 tent as a person that commits an unlawful act de-
14 scribed in subsection (a) of that section.

15 (f) EXCEPTIONS.—

16 (1) EXCEPTION FOR INTELLIGENCE AND LAW
17 ENFORCEMENT ACTIVITIES.—This section shall not
18 apply with respect to activities subject to the report-
19 ing requirements under title V of the National Secu-
20 rity Act of 1947 (50 U.S.C. 3091 et seq.) or any au-
21 thorized intelligence or law enforcement activities of
22 the United States.

23 (2) EXCEPTION RELATING TO IMPORTATION OF
24 GOODS.—

1 (B) it is in the national security interests
2 of the United States to terminate the require-
3 ments to impose sanctions under this Act.

4 (h) DEFINITIONS.—In this section:

5 (1) ACCOUNT; CORRESPONDENT ACCOUNT; PAY-
6 ABLE-THROUGH ACCOUNT.—The terms “account”,
7 “correspondent account”, and “payable-through ac-
8 count” have the meanings given those terms in sec-
9 tion 5318A of title 31, United States Code.

10 (2) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Banking, Housing,
14 and Urban Affairs and the Committee on For-
15 eign Relations of the Senate; and

16 (B) the Committee on Financial Services
17 and the Committee on Foreign Affairs of the
18 House of Representatives.

19 (3) FOREIGN PERSON.—The term “foreign per-
20 son” means an individual or entity that is not a
21 United States person.

22 (4) KNOWINGLY.—The term “knowingly”, with
23 respect to conduct, a circumstance, or a result,
24 means that a person had actual knowledge, or

1 should have known, of the conduct, the cir-
2 cumstance, or the result.

3 (5) UNITED STATES PERSON.—The term
4 “United States person” means—

5 (A) an individual who is a United States
6 citizen or an alien lawfully admitted for perma-
7 nent residence to the United States;

8 (B) an entity organized under the laws of
9 the United States or any jurisdiction within the
10 United States, including a foreign branch of
11 such an entity; or

12 (C) any person in the United States.