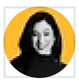
Senate Voting to Give Trump a Tariff Nuke

A bill supposedly aimed at Russia is really an unprecedented new tariff power grab—yet prominent Democrats are backing it.



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(Photo by Jim Watson / AFP via Getty Images)

DONALD TRUMP HAS SPENT the past year and a half bending every obscure trade law until it snapped, alienating global allies and jacking up costs for Americans. Democrats have heaped scorn on him for this, and Republicans have expressed their own displeasure via indirect or anonymous grumbling to the press. Yet now, lawmakers from both parties are poised to give the president even *more* tariff power.

And not just any tariff power. It's potentially the nuclear bomb of tariff power.

A new, bipartisan bill could allow Trump to drop 100 percent tariffs on virtually any country he likes, for as long as he likes, and with pretty much bulletproof legal authority to do so; which means even the Supreme Court couldn't bail out Congress (or the rest of us) next time.

This is all happening through the Lindsey O. Graham Sanctioning Russia Act, which is rapidly moving through Congress with broad bipartisan support. It is expected to clear the Senate, where it has 62 cosponsors (including 21 Democrats), as soon as today.

As the name implies, the bill is intended to honor the legacy of the late South Carolina Republican and to punish Russia via sanctions.

In reality,

it does neither.

The Bill's Fake "Sanctions"

The bill, which is based on legislation originally introduced by Graham last year,[1] does not actually grant Trump any new authorities to sanction. Everything sanctions-related in this bill is something Trump could already do, but has chosen not to, presumably because he's not interested in angering Vladimir Putin.[2]

The bill also doesn't *force* Trump to use his existing sanction powers either, even though that's pretty clearly what Graham was going for when he introduced the original version. The bill's sponsors claim it does, in fact, mandate sanctions on Russia (and those helping the country). But what they often leave out is that the legislation also gives the president the ability to waive "the application of any sanctions provision with respect to a foreign person, any restriction with respect to a person, or any duty under this title."

All he has to do is certify in writing that the waiver is in the “national interests of the United States.”

“It’s an absolute waiver,” Jennifer Hillman, a Georgetown University Law Center professor, told me. “He has unfettered authority to waive sanctions, on any individual, any sector, any country, as long as he declares it’s in the national interest.”

Which totally doesn’t sound like it’s ripe for abuse, right? *Right???*

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Unprecedented New Tariff Authorities

Pseudo-sanctions aside, the real reason Trump wants this bill to pass is not that it allows him to waive sanctions. It’s that it gives him sweeping and unprecedented power to issue enormous tariffs.

Also under the guise of punishing Russia, the legislation requires the president to impose tariffs up to 100 percent on all goods from (at least) fifteen countries, in three categories: (1) the five largest importers of Russian oil, (2) the five largest importers of Russian natural gas, and (3) the “top 5 countries facilitating Russian oil sanctions evasion.”

Those first two buckets *sound* like they should be relatively straightforward, though given the opacity of Russia’s energy supply chain and its vast “shadow fleet,” they really aren’t. The bill doesn’t specify what data should be used to determine who falls in the top five in either category. Documents circulating among congressional staffers suggest the countries that lawmakers *expect* to be flagged as top buyers of Russian oil would be China, India, Slovakia, Hungary, and

Azerbaijan. The list for natural gas buyers is China, France, Japan, Hungary, and Belgium.

Left unstated, however, is what happens when a country (such as China) appears on multiple lists—does the administration get to sub in the sixth-largest importer so it can still tariff the max number of countries possible? Hillman says it's unclear. Also unclear is whether the inclusion of, say, Slovakia and Hungary could give Trump a blank check to tariff the *entire* European Union, as he's clearly been itching to do.

Even more problematic is that third category: the "top 5" countries facilitating evasion of sanctions.

The legislation does not explain how this is quantified, nor how this ordinal ranking is determined.[3] Is it based on countries where the most companies are evading sanctions, or with the highest-value evasions, or maybe the most egregious ones? That's left entirely up to the president. The bill doesn't even require the president to publicly *disclose* what criteria he used to come up with his list.[4]

In other words: while lawmakers may have intended this bill to support Ukraine and punish Russia, it could well enable Trump to impose new 100 percent tariffs on Ukraine and *none* on Russia. Which he might do, given his resentment of Ukraine's alleged ingratitude.

Note that, as with the sanctions part of the bill, Trump also has the authority to waive tariffs on individual entities or products that he deems in the "national interest." Which makes this entire bill ripe for graft and favor-trading, as has been evident with prior rounds of tariffs.

Which means it's yet another tool for enriching himself and his friends, and punishing everyone else.

You'll Be the One Paying

As has been the case for Trump's prior rounds of tariffs, U.S. companies and consumers would pay the cost of the ones implemented under this act. Already the typical American household is paying an estimated $1,100 annually in higher prices under current tariff levels, according to the Yale Budget Lab.

The prospect of new, 100 percent tariffs is throwing the business community into a panic, as was evident from a letter sent last week to Senate leadership by about two dozen major industry groups. Their customers are already getting tapped out, and companies have only relatively recently begun receiving refunds for those "Liberation Day" tariffs that were struck down by the Supreme Court.

Unlike with those now-defunct Liberation Day tariffs, these Lindsey Graham tariffs would be harder to challenge in court, legal experts tell me. That's because in prior cases the Trump administration was stretching the letter of the (sometimes completely unrelated) law to raise new import taxes, such as by claiming fake "national emergencies" as pretexts.

By contrast, in this law, Congress would explicitly *order* the president to lay new tariffs—beginning no more than thirty days after the bill's passage, in fact.

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So Why Are Dems on Board?

It's pretty obvious why Trump is salivating over these prospects. And maybe why his toadies on the Republican side of the Senate are eager, too, especially those who want to pay tribute to the late colleague who put this legislation together.[5]

What's more confusing is why so many Democrats are on board.

The answer seems largely to be some combination of virtue-signaling, confusion, and inertia. Democrats want to support Ukraine, and like the optics of backing a bill with “Sanctioning Russia” in its name. But the bipartisan group of lawmakers who negotiated this deal with Trump perhaps didn’t initially realize how much power they were giving him.

“Every single Democrat that I know feels strongly about trying to help Zelensky and trying to help his government,” Sen. Ron Wyden (D-Ore.), who is trying to convince his colleagues to eliminate the tariff provisions,[6] told me. “And I’ve said: let’s do that, and saw off the tariff provision. And I think Lindsey Graham came in, put together a bulldozer and made it out like this was necessary, but it’s not.”

If this bill becomes law, and not only enables Trump to expand his tariff agenda but mandates it, Democrats would have to own the economic carnage, too.

“The number-one concern that we’ve had as Senate Democrats is we’ve been concerned about the cost of living. That is our top priority,” Wyden said. He added: “I think this is a major mistake from an economic standpoint. And in terms of, you know, politics, I think it’s just a huge mistake that undermines the affordability and cost-of-living agenda.”

Sounds like a terrific midterm message for all involved.

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Ramparts

— Speaking of consumers feeling tapped out: The share of the population that says “higher prices” are the reason their household finances declined in the last year hit a new record high in the University of Michigan’s consumer sentiment data. (Hat tip: Matt Darling.) Even McDonald’s is struggling to lure in customers.

— Some encouraging news on climate: Rhodium Group projects that under current policy, U.S. greenhouse gas emissions will be 26 to 29 percent below the 2005 level in four years, driven by an influx of natural gas and renewable production. Forecast for 2040 is 27 to 41 percent below the 2005 level.

— Who says there are no second acts? Eric Adams, the disgraced and pardoned-by-Trump former mayor of New York City, is apparently selling data centers in Wisconsin now.

— The FCC just banned most future robot vacuums, lawn mowers, and pool cleaners, for national security reasons. You can still buy robot pets, though.

— Don't skin a bear in your communal college kitchen, kids. What do you think this is, a Kennedy family reunion?

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1 Lindsey Graham introduced the prior version of the bill around Donald Trump's "Liberation Day" in early April 2025. His sister, Darline Graham, who has been appointed his successor in the Senate, is the lead sponsor of the new version of the bill that bears his name.

2 To wit: While President Joe Biden sanctioned literally hundreds of Russian and Russia-related people and entities per year between 2022 and 2024, Trump has sanctioned just two since returning to office, according to Peter Harrell, who served as a senior economics and national security aide in the Biden administration.

3 The bill defines "countries facilitating Russian oil sanctions evasion" as those "in which foreign persons are located or are operating, or under the laws of which foreign persons are organized, if such foreign persons are knowingly engaging in transactions, activities, or services that circumvent, or assist any third party to circumvent, any sanction related to oil that originated in the Russian

Federation." But how is any of this quantified? Whoever wrote the bill wasn't super interested in metrics.

4 The bill appears to allow the tariffs to persist in perpetuity, regardless of what happens with Russia or its exports, and could be read to mean that Trump gets to add an *additional* fifteen countries every six months as well. The language is unclear, Hillman says.

5 The original bill Lindsey Graham introduced had actually mandated 500 percent tariffs. A group of bipartisan senators negotiated with the White House to get that down to "only" 100 percent.

6 Wyden is sponsoring an amendment with Sen. Rand Paul (R-Ky.) to strip the tariff language from the bill. Paul was the only Republican who had voted against advancing the bill last week.