

115TH CONGRESS
2D SESSION

H. R. 5760

To provide for congressional review of the imposition of duties and other trade measures by the executive branch, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2018

Mr. KIND (for himself, Mr. NORMAN, Mr. MEEKS, and Mr. DENT) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for congressional review of the imposition of duties and other trade measures by the executive branch, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Trade Authority Pro-
5 tection Act”.

1 **SEC. 2. REVIEW OF CONGRESSIONALLY DELEGATED TRADE**
2 **ACTIONS.**

3 (a) IN GENERAL.—Chapter 5 of title I of the Trade
4 Act of 1974 (19 U.S.C. 2191 et seq.) is amended by add-
5 ing at the end the following:

6 **“SEC. 155. REVIEW OF CONGRESSIONALLY DELEGATED**
7 **TRADE ACTIONS.**

8 “(a) CONGRESSIONALLY DELEGATED TRADE ACTION
9 DEFINED.—

10 “(1) IN GENERAL.—In this section, the term
11 ‘congressionally delegated trade action’ means any of
12 the following actions taken with respect to the im-
13 portation of an article pursuant to a provision of law
14 specified in paragraph (2):

15 “(A) A prohibition on importation of the
16 article.

17 “(B) The imposition of or an increase in a
18 duty applicable to the article.

19 “(C) The imposition or tightening of a tar-
20 iff-rate quota applicable to the article.

21 “(D) The imposition or tightening of a
22 quantitative restriction on the importation of
23 the article.

24 “(E) The suspension, withdrawal, or pre-
25 vention of the application of trade agreement
26 concessions with respect to the article.

1 “(F) Any other restriction on importation
2 of the article.

3 “(2) PROVISIONS OF LAW SPECIFIED.—The
4 provisions of law specified in this paragraph are the
5 following:

6 “(A) Section 122.

7 “(B) Title III.

8 “(C) Sections 406, 421, and 422.

9 “(D) Section 338 of the Tariff Act of 1930
10 (19 U.S.C. 1338).

11 “(E) Section 232 of the Trade Expansion
12 Act of 1962 (19 U.S.C. 1862).

13 “(F) Section 103(a) of the Bipartisan Con-
14 gressional Trade Priorities and Accountability
15 Act of 2015 (19 U.S.C. 4202(a)).

16 “(G) The Trading with the Enemy Act (50
17 U.S.C. 4301 et seq.).

18 “(H) The International Emergency Eco-
19 nomic Powers Act (50 U.S.C. 1701 et seq.).

20 “(I) Any provision of law enacted to imple-
21 ment a trade agreement to which the United
22 States is a party.

23 “(3) EXCEPTION FOR TECHNICAL CORRECTIONS
24 TO HARMONIZED TARIFF SCHEDULE.—A technical
25 correction to the Harmonized Tariff Schedule of the

1 United States shall not be considered a congression-
2 ally delegated trade action for purposes of this sec-
3 tion.

4 “(b) EFFECTIVE DATE FOR CONGRESSIONALLY DEL-
5 EGATED TRADE ACTION.—

6 “(1) IN GENERAL.—A congressionally delegated
7 trade action shall take effect 60 days after the date
8 of the submission of the report required under para-
9 graph (2) unless a joint resolution of disapproval is
10 enacted pursuant to subsection (d).

11 “(2) REPORT REQUIRED.—With respect to any
12 proposed congressionally delegated trade action, the
13 President shall submit to Congress and to the
14 Comptroller General of the United States a report
15 that includes—

16 “(A) a description of the proposed action;

17 “(B) the proposed effective period for the
18 action;

19 “(C) an analysis of the action, including
20 whether the action is in the national economic
21 interest of the United States;

22 “(D) an assessment of the potential effect
23 of retaliation from trading partners affected by
24 the action;

1 “(E) an analysis of the economic impacts
2 of the action and of such retaliation; and

3 “(F) a list of articles that will be affected
4 by the action by subheading number of the
5 Harmonized Tariff Schedule of the United
6 States.

7 “(c) REPORT OF COMPTROLLER GENERAL.—Not
8 later than 15 days after the submission of the report re-
9 quired by subsection (b)(1) with respect to a proposed con-
10 gressionally delegated trade action, the Comptroller Gen-
11 eral shall submit to Congress a report on the proposed
12 action that includes an assessment of the compliance of
13 the President with the provision of law specified in sub-
14 section (a)(2) pursuant to which the action would be
15 taken.

16 “(d) CONGRESSIONAL REVIEW ACT PROCEDURES
17 FOR JOINT RESOLUTION OF DISAPPROVAL.—

18 “(1) APPLICATION OF CONGRESSIONAL REVIEW
19 ACT PROCEDURES.—A joint resolution under this
20 subsection shall be considered in the same manner
21 and subject to the same procedures as a joint resolu-
22 tion under section 802 of title 5, United States Code
23 (referred to as the ‘Congressional Review Act’), ex-
24 cept that subsection (b)(2) of such section shall be
25 applied by substituting the date of the submission of

1 the report required under paragraph (2) for the
2 ‘submission or publication date’ under such sub-
3 section.

4 “(2) JOINT RESOLUTION DEFINED.—For pur-
5 poses of this subsection, the term ‘joint resolution’
6 means only a joint resolution of either House of
7 Congress, the matter after the resolving clause of
8 which is as follows: ‘That Congress disapproves the
9 action proposed by the President in the report sub-
10 mitted to Congress under section 155(b)(2) of the
11 Trade Act of 1974 on _____, and such
12 action shall have no force or effect.’, with the blank
13 space being filled with the appropriate date.

14 “(e) REPORT BY THE UNITED STATES INTER-
15 NATIONAL TRADE COMMISSION.—Not later than 12
16 months after the date on which a congressionally dele-
17 gated trade action enters into effect pursuant to this sec-
18 tion, the United States International Trade Commission
19 shall submit to the Committee on Finance of the Senate
20 and the Committee on Ways and Means of the House of
21 Representatives a report on the effects of the action on
22 the United States economy, including a comprehensive as-
23 sessment of the economic effects of the action on pro-
24 ducers and consumers in the United States.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for the Trade Act of 1974 is amended by inserting after
3 the item relating to section 154 the following:

“Sec. 155. Review of congressionally delegated trade actions.”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) BALANCE-OF-PAYMENTS AUTHORITY.—Sec-
6 tion 122 of the Trade Act of 1974 (19 U.S.C. 2132)
7 is amended—

8 (A) in subsection (a), in the flush text fol-
9 lowing paragraph (3), by inserting “and subject
10 to disapproval under section 155” after “Con-
11 gress)”;

12 (B) in subsection (c), in the flush text fol-
13 lowing paragraph (2), by inserting “and subject
14 to disapproval under section 155” after “Con-
15 gress)”;

16 (C) in subsection (g), by inserting “and
17 subject to disapproval under section 155” after
18 “of this section”.

19 (2) RULES OF HOUSE AND SENATE.—Section
20 151(a) of the Trade Act of 1974 (19 U.S.C.
21 2191(a)) is amended—

22 (A) in the matter preceding paragraph (1),
23 by striking “and 153” and inserting “, 153,
24 and 155”; and

1 (B) in paragraph (1), by striking “and
2 153(a)” and inserting “, 153(a), and 155(e)”.

3 (3) ENFORCEMENT OF RIGHTS UNDER TRADE
4 AGREEMENTS.—Title III of the Trade Act of 1974
5 (19 U.S.C. 2411 et seq.) is amended—

6 (A) in section 301—

7 (i) in subsection (a), in the flush text,
8 by inserting “to disapproval under section
9 155 and” after “subsection (c), subject”;
10 and

11 (ii) in subsection (b)(2), by inserting
12 “to disapproval under section 155 and”
13 after “subsection (c), subject”;

14 (B) in section 305(a)(1), by inserting “to
15 disapproval under section 155 and” after “sec-
16 tion 301, subject”; and

17 (C) in section 307(a)(1), in the matter pre-
18 ceding subparagraph (A), by inserting “to dis-
19 approval under section 155 and” after “any ac-
20 tion, subject”.

21 (4) MARKET DISRUPTION.—Section 406 of the
22 Trade Act of 1974 (19 U.S.C. 2436) is amended—

23 (A) in subsection (b), in the matter pre-
24 ceding paragraph (1), by striking “With respect

1 to” and inserting “Subject to disapproval under
2 section 155, with respect to”; and

3 (B) in subsection (c), in the second sen-
4 tence, by striking “If the President” and insert-
5 ing “Subject to disapproval under section 155,
6 if the President”.

7 (5) ACTION TO ADDRESS MARKET DISRUP-
8 TION.—Section 421 of the Trade Act of 1974 (19
9 U.S.C. 2451) is amended—

10 (A) in subsection (a), by inserting “and
11 subject to disapproval under section 155” after
12 “of this section”;

13 (B) in subsection (i)(4)(A), by inserting “,
14 subject to disapproval under section 155,” after
15 “provisional relief and”;

16 (C) in subsection (k)(1), by striking
17 “Within 15 days” and inserting “Subject to
18 section 155, within 15 days”;

19 (D) by striking subsection (m) and by re-
20 designating subsections (n) and (o) as sub-
21 sections (m) and (n), respectively;

22 (E) in subsection (m), as redesignated by
23 subparagraph (D)—

1 (i) in paragraph (1), by striking “sub-
2 section (m)” and inserting “this section”;
3 and

4 (ii) in paragraph (2), by inserting
5 “and subject to disapproval under section
6 155” after “paragraph (1)”; and

7 (F) in paragraph (3) of subsection (n), as
8 redesignated by subparagraph (D), by striking
9 “subsection (m)” and inserting “this section”.

10 (6) ACTION IN RESPONSE TO TRADE DIVER-
11 SION.—Section 422(h) of the Trade Act of 1974 (19
12 U.S.C. 2451a(h)) is amended by striking “Within 20
13 days” and inserting “Subject to disapproval under
14 section 155, within 20 days”.

15 (7) DISCRIMINATION BY FOREIGN COUN-
16 TRIES.—Section 338 of the Tariff Act of 1930 (19
17 U.S.C. 1338) is amended—

18 (A) in subsection (a), in the matter pre-
19 ceding paragraph (1), by inserting “, subject to
20 disapproval under section 155 of the Trade Act
21 of 1974,” after “by proclamation”;

22 (B) in subsection (b), by inserting “subject
23 to disapproval under section 155 of the Trade
24 Act of 1974 and” after “hereby authorized,”;

1 (C) in subsection (c), by striking “Any
2 proclamation” and inserting “Subject to dis-
3 approval under section 155 of the Trade Act of
4 1974, any proclamation”;

5 (D) in subsection (d), by inserting “subject
6 to disapproval under section 155 of the Trade
7 Act of 1974 and” after “he shall,”; and

8 (E) in subsection (e), by inserting “subject
9 to disapproval under section 155 of the Trade
10 Act of 1974 and” after “he shall,”.

11 (8) SAFEGUARDING NATIONAL SECURITY.—Sec-
12 tion 232(c)(1)(B) of the Trade Expansion Act of
13 1962 (19 U.S.C. 1862(c)(1)(B)) is amended by in-
14 serting “, subject to disapproval under section 155
15 of the Trade Act of 1974,” after “shall”.

16 (9) BIPARTISAN CONGRESSIONAL TRADE PRIOR-
17 ITIES AND ACCOUNTABILITY ACT OF 2015.—Section
18 103(a) of the Bipartisan Congressional Trade Prior-
19 ities and Accountability Act of 2015 (19 U.S.C.
20 4202(a)) is amended—

21 (A) in paragraph (1)(B), by inserting “and
22 disapproval under section 155 of the Trade Act
23 of 1974” after “paragraphs (2) and (3)”;

1 (B) in paragraph (7), by inserting “and
2 disapproval under section 155 of the Trade Act
3 of 1974” after “3524”).

4 (10) INTERNATIONAL EMERGENCY ECONOMIC
5 POWERS ACT.—Section 203(a)(1)(B) of the Inter-
6 national Emergency Economic Powers Act (50
7 U.S.C. 1702(a)(1)(B)) is amended by inserting
8 “(subject to section 155 of the Trade Act of 1974)”
9 after “importation”.

10 (11) TRADING WITH THE ENEMY ACT.—Section
11 11 of the Trading with the Enemy Act (50 U.S.C.
12 4311) is amended by striking “Whenever” and in-
13 sserting “Subject to disapproval under section 155 of
14 the Trade Act of 1974, whenever”.

15 (12) FREE TRADE AGREEMENT IMPLEMENTING
16 BILLS.—

17 (A) NORTH AMERICAN FREE TRADE
18 AGREEMENT IMPLEMENTATION ACT.—Section
19 201 of the North American Free Trade Agree-
20 ment Implementation Act (19 U.S.C. 3331) is
21 amended—

22 (i) in subsection (a)(1), in the matter
23 preceding subparagraph (A), by striking
24 “may” and inserting “may, subject to dis-

1 approval under section 155 of the Trade
2 Act of 1974,”; and

3 (ii) in subsection (b)(1), in the matter
4 preceding subparagraph (A), by striking
5 “and the consultation and layover require-
6 ments of section 103(a)” and inserting “,
7 the consultation and layover requirements
8 of section 103(a), and disapproval under
9 section 155 of the Trade Act of 1974,”.

10 (B) URUGUAY ROUND AGREEMENTS
11 ACT.—Section 111 of the Uruguay Round
12 Agreements Act (19 U.S.C. 3521) is amend-
13 ed—

14 (i) in subsection (a), in the matter
15 preceding paragraph (1), by inserting “and
16 subject to disapproval under section 155 of
17 the Trade Act of 1974” after “2902”;

18 (ii) in subsection (b), in the matter
19 preceding paragraph (1), by inserting “and
20 disapproval under section 155 of the Trade
21 Act of 1974” after “section 115”;

22 (iii) in subsection (c)(1)(A), in the
23 flush text at the end, by striking “may”
24 and inserting “may, subject to disapproval

1 under section 155 of the Trade Act of
2 1974,”; and

3 (iv) in subsection (e)(1), in the matter
4 preceding subparagraph (A), by inserting
5 “and disapproval under section 155 of the
6 Trade Act of 1974” after “section 115”.

7 (C) UNITED STATES-ISRAEL FREE TRADE
8 AREA IMPLEMENTATION ACT OF 1985.—Section
9 4 of the United States-Israel Free Trade Area
10 Implementation Act of 1985 (Public Law 99–
11 47; 19 U.S.C. 2112 note) is amended—

12 (i) in subsection (a), in the matter
13 preceding paragraph (1), by inserting “and
14 subject to disapproval under section 155 of
15 the Trade Act of 1974” after “subsection
16 (c)”;

17 (ii) in subsection (b), in the matter
18 preceding paragraph (1), by inserting “and
19 subject to disapproval under section 155 of
20 the Trade Act of 1974” after “subsection
21 (c)”.

22 (D) UNITED STATES-JORDAN FREE TRADE
23 AREA IMPLEMENTATION ACT.—Section 101 of
24 the United States-Jordan Free Trade Area Im-

1 plementation Act (Public Law 107–43; 19
2 U.S.C. 2112 note) is amended—

3 (i) in subsection (a), in the matter
4 preceding paragraph (1), by striking
5 “may” and inserting “may, subject to dis-
6 approval under section 155 of the Trade
7 Act of 1974,”; and

8 (ii) in subsection (b), in the matter
9 preceding paragraph (1), by striking
10 “may” and inserting “may, subject to dis-
11 approval under section 155 of the Trade
12 Act of 1974,”.

13 (E) DOMINICAN REPUBLIC-CENTRAL
14 AMERICA-UNITED STATES FREE TRADE AGREE-
15 MENT IMPLEMENTATION ACT.—Section 201 of
16 the Dominican Republic-Central America-
17 United States Free Trade Agreement Imple-
18 mentation Act (19 U.S.C. 4031) is amended—

19 (i) in subsection (a)(1), in the matter
20 preceding subparagraph (A), by striking
21 “may” and inserting “may, subject to dis-
22 approval under section 155 of the Trade
23 Act of 1974,”; and

24 (ii) in subsection (b), in the matter
25 preceding paragraph (1), by inserting “and

1 disapproval under section 155 of the Trade
2 Act of 1974” after “section 104”.

3 (F) UNITED STATES-CHILE FREE TRADE
4 AGREEMENT IMPLEMENTATION ACT.—Section
5 201 of the United States-Chile Free Trade
6 Agreement Implementation Act (Public Law
7 108–77; 19 U.S.C. 3805 note) is amended—

8 (i) in subsection (a)(1), in the matter
9 preceding subparagraph (A), by striking
10 “may” and inserting “may, subject to dis-
11 approval under section 155 of the Trade
12 Act of 1974,”; and

13 (ii) in subsection (b), in the matter
14 preceding paragraph (1), by inserting “and
15 disapproval under section 155 of the Trade
16 Act of 1974” after “section 103(a)”.

17 (G) UNITED STATES-SINGAPORE FREE
18 TRADE AGREEMENT IMPLEMENTATION ACT.—
19 Section 201 of the United States-Singapore
20 Free Trade Agreement Implementation Act
21 (Public Law 108–78; 19 U.S.C. 3805 note) is
22 amended—

23 (i) in subsection (a), in the matter
24 preceding paragraph (1), by striking
25 “may” and inserting “may, subject to dis-

1 approval under section 155 of the Trade
2 Act of 1974,”; and

3 (ii) in subsection (b), in the matter
4 preceding paragraph (1), by inserting “and
5 disapproval under section 155 of the Trade
6 Act of 1974” after “section 103(a)”.

7 (H) UNITED STATES-AUSTRALIA FREE
8 TRADE AGREEMENT IMPLEMENTATION ACT.—
9 Section 201 of the United States-Australia Free
10 Trade Agreement Implementation Act (Public
11 Law 108–286; 19 U.S.C. 3805 note) is amend-
12 ed—

13 (i) in subsection (a), in the matter
14 preceding paragraph (1), by striking
15 “may” and inserting “may, subject to dis-
16 approval under section 155 of the Trade
17 Act of 1974,”; and

18 (ii) in subsection (b), in the matter
19 preceding paragraph (1), by inserting “and
20 disapproval under section 155 of the Trade
21 Act of 1974” after “section 104”.

22 (I) UNITED STATES-MOROCCO FREE
23 TRADE AGREEMENT IMPLEMENTATION ACT.—
24 Section 201 of the United States-Morocco Free
25 Trade Agreement Implementation Act (Public

1 Law 108–302; 19 U.S.C. 3805 note) is amend-
2 ed—

3 (i) in subsection (a)(1), in the matter
4 preceding subparagraph (A), by striking
5 “may” and inserting “may, subject to dis-
6 approval under section 155 of the Trade
7 Act of 1974,”; and

8 (ii) in subsection (b), in the matter
9 preceding paragraph (1), by inserting “and
10 disapproval under section 155 of the Trade
11 Act of 1974” after “section 104”.

12 (J) UNITED STATES-BAHRAIN FREE TRADE
13 AGREEMENT IMPLEMENTATION ACT.—Section
14 201 of the United States-Bahrain Free Trade
15 Agreement Implementation Act (Public Law
16 109–169; 19 U.S.C. 3805 note) is amended—

17 (i) in subsection (a)(1), in the matter
18 preceding subparagraph (A), by striking
19 “may” and inserting “may, subject to dis-
20 approval under section 155 of the Trade
21 Act of 1974,”; and

22 (ii) in subsection (b), in the matter
23 preceding paragraph (1), by inserting “and
24 disapproval under section 155 of the Trade
25 Act of 1974” after “section 104”.

1 (K) UNITED STATES-OMAN FREE TRADE
2 AGREEMENT IMPLEMENTATION ACT.—Section
3 201 of the United States-Oman Free Trade
4 Agreement Implementation Act (Public Law
5 109–283; 19 U.S.C. 3805 note) is amended—

6 (i) in subsection (a)(1), in the matter
7 preceding subparagraph (A), by striking
8 “may” and inserting “may, subject to dis-
9 approval under section 155 of the Trade
10 Act of 1974,”; and

11 (ii) in subsection (b), in the matter
12 preceding paragraph (1), by inserting “and
13 disapproval under section 155 of the Trade
14 Act of 1974” after “section 104”.

15 (L) UNITED STATES-PERU TRADE PRO-
16 MOTION AGREEMENT IMPLEMENTATION ACT.—
17 Section 201 of the United States-Peru Trade
18 Promotion Agreement Implementation Act
19 (Public Law 110–138; 19 U.S.C. 3805 note) is
20 amended—

21 (i) in subsection (a)(1), in the matter
22 preceding subparagraph (A), by striking
23 “may” and inserting “may, subject to dis-
24 approval under section 155 of the Trade
25 Act of 1974,”; and

1 (ii) in subsection (b), in the matter
2 preceding paragraph (1), by inserting “and
3 disapproval under section 155 of the Trade
4 Act of 1974” after “section 104”.

5 (M) UNITED STATES-KOREA FREE TRADE
6 AGREEMENT IMPLEMENTATION ACT.—Section
7 201 of the United States-Korea Free Trade
8 Agreement Implementation Act (Public Law
9 112–41; 19 U.S.C. 3805 note) is amended—

10 (i) in subsection (a), in the matter
11 preceding paragraph (1), by striking
12 “may” and inserting “may, subject to dis-
13 approval under section 155 of the Trade
14 Act of 1974,”; and

15 (ii) in subsection (b), in the matter
16 preceding paragraph (1), by inserting “and
17 disapproval under section 155 of the Trade
18 Act of 1974” after “section 104”.

19 (N) UNITED STATES-COLOMBIA TRADE
20 PROMOTION AGREEMENT IMPLEMENTATION
21 ACT.—Section 201 of the United States-Colom-
22 bia Trade Promotion Agreement Implementa-
23 tion Act (Public Law 112–42; 19 U.S.C. 3805
24 note) is amended—

1 (i) in subsection (a)(1), in the matter
2 preceding subparagraph (A), by striking
3 “may” and inserting “may, subject to dis-
4 approval under section 155 of the Trade
5 Act of 1974,”; and

6 (ii) in subsection (b), in the matter
7 preceding paragraph (1), by inserting “and
8 disapproval under section 155 of the Trade
9 Act of 1974” after “section 104”.

10 (O) UNITED STATES-PANAMA TRADE PRO-
11 MOTION AGREEMENT IMPLEMENTATION ACT.—
12 Section 201 of the United States-Panama
13 Trade Promotion Agreement Implementation
14 Act (Public Law 112–43; 19 U.S.C. 3805 note)
15 is amended—

16 (i) in subsection (a)(1), in the matter
17 preceding subparagraph (A), by striking
18 “may” and inserting “may, subject to dis-
19 approval under section 155 of the Trade
20 Act of 1974,”; and

21 (ii) in subsection (b), in the matter
22 preceding paragraph (1), by inserting “and
23 disapproval under section 155 of the Trade
24 Act of 1974” after “section 104”.

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