

116TH CONGRESS  
1ST SESSION

# H. R. 723

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2019

Mr. DAVIDSON of Ohio (for himself, Mr. AMASH, Mr. BARR, Mr. BUCK, Mr. LAHOOD, Mr. MEADOWS, Mr. POSEY, Mr. WALKER, Mr. BUDD, Mr. JOHNSON of Louisiana, and Mr. BANKS) 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

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## 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 “Global Trade Account-  
5       ability Act of 2019”.

1 **SEC. 2. CONGRESSIONAL REVIEW OF UNILATERAL 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. CONGRESSIONAL REVIEW OF UNILATERAL**  
7 **TRADE ACTIONS.**

8 “(a) UNILATERAL TRADE ACTION DEFINED.—

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

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

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

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

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

23 “(E) The suspension, withdrawal, or pre-  
24 ventation of the application of trade agreement  
25 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 unilateral  
2 trade action for purposes of this section.

3 “(b) CONGRESSIONAL APPROVAL REQUIRED.—Ex-  
4 cept as provided by subsection (d), a unilateral trade ac-  
5 tion may not take effect unless—

6 “(1) the President submits to Congress and to  
7 the Comptroller General of the United States a re-  
8 port that includes—

9 “(A) a description of the proposed unilat-  
10 eral trade action;

11 “(B) the proposed effective period for the  
12 action;

13 “(C) an analysis of the action, including  
14 whether the action is in the national economic  
15 interest of the United States;

16 “(D) an assessment of the potential effect  
17 of retaliation from trading partners affected by  
18 the action; and

19 “(E) a list of articles that will be affected  
20 by the action by subheading number of the  
21 Harmonized Tariff Schedule of the United  
22 States; and

23 “(2) a joint resolution of approval is enacted  
24 pursuant to subsection (e).

1       “(c) REPORT OF COMPTROLLER GENERAL.—Not  
2 later than 15 days after the submission of the report re-  
3 quired by subsection (b)(1) with respect to a proposed uni-  
4 lateral trade action, the Comptroller General shall submit  
5 to Congress a report on the proposed action that includes  
6 an assessment of the compliance of the President with the  
7 provision of law specified in subsection (a)(2) pursuant to  
8 which the action would be taken.

9       “(d) TEMPORARY AUTHORITY.—Notwithstanding  
10 any other provision of this section, a unilateral trade ac-  
11 tion may take effect for one 90-calendar-day period (with-  
12 out renewal) if the President—

13               “(1) determines that is necessary for the unilat-  
14 eral trade action to take effect because the action  
15 is—

16                       “(A) necessary because of a national emer-  
17 gency;

18                       “(B) necessary because of an imminent  
19 threat to health or safety;

20                       “(C) necessary for the enforcement of  
21 criminal laws; or

22                       “(D) necessary for national security; and

23               “(2) submits written notice of the determina-  
24 tion to Congress.

25       “(e) PROCEDURES FOR JOINT RESOLUTION.—

1           “(1) JOINT RESOLUTION DEFINED.—For pur-  
2       poses of this subsection, the term ‘joint resolution’  
3       means only a joint resolution of either House of  
4       Congress, the matter after the resolving clause of  
5       which is as follows: ‘That Congress approves the ac-  
6       tion proposed by the President under section 155(b)  
7       of the Trade Act of 1974 in the report submitted to  
8       Congress under that section on \_\_\_\_\_.’,  
9       with the blank space being filled with the appro-  
10      priate date.

11          “(2) INTRODUCTION.—After a House of Con-  
12      gress receives a report under subsection (b)(1) with  
13      respect to a unilateral trade action, the majority  
14      leader of that House (or his or her respective des-  
15      ignee) shall introduce (by request, if appropriate) a  
16      joint resolution—

17               “(A) in the case of the House of Rep-  
18              resentatives, within 3 legislative days; and

19               “(B) in the case of the Senate, within 3  
20              session days.

21          “(3) APPLICATION OF SECTION 152.—The pro-  
22      visions of subsections (b) through (f) of section 152  
23      shall apply to a joint resolution under this sub-  
24      section to the same extent those provisions apply to  
25      a resolution under section 152.

1       “(f) REPORT BY THE UNITED STATES INTER-  
 2 NATIONAL TRADE COMMISSION.—Not later than 12  
 3 months after the date of a unilateral trade action taken  
 4 pursuant to this section, the United States International  
 5 Trade Commission shall submit to the Committee on Fi-  
 6 nance of the Senate and the Committee on Ways and  
 7 Means of the House of Representatives a report on the  
 8 effects of the action on the United States economy, includ-  
 9 ing a comprehensive assessment of the economic effects  
 10 of the action on producers and consumers in the United  
 11 States.”.

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

“Sec. 155. Congressional review of unilateral trade actions.”.

15       (c) CONFORMING AMENDMENTS.—

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

19           (A) in subsection (a), in the flush text fol-  
 20 lowing paragraph (3), by inserting “and subject  
 21 to approval under section 155” after “Con-  
 22 gress)”;

23           (B) in subsection (c), in the flush text fol-  
 24 lowing paragraph (2), by inserting “and subject

1 to approval under section 155” after “Con-  
2 gress)””; and

3 (C) in subsection (g), by inserting “and  
4 subject to approval under section 155” after  
5 “of this section”.

6 (2) RULES OF HOUSE AND SENATE.—Section  
7 151(a) of the Trade Act of 1974 (19 U.S.C.  
8 2191(a)) is amended—

9 (A) in the matter preceding paragraph (1),  
10 by striking “and 153” and inserting “, 153,  
11 and 155”; and

12 (B) in paragraph (1), by striking “and  
13 153(a)” and inserting “, 153(a), and 155(e)”.

14 (3) ENFORCEMENT OF RIGHTS UNDER TRADE  
15 AGREEMENTS.—Title III of the Trade Act of 1974  
16 (19 U.S.C. 2411 et seq.) is amended—

17 (A) in section 301—

18 (i) in subsection (a), in the flush text,  
19 by inserting “to approval under section  
20 155 and” after “subsection (c), subject”;  
21 and

22 (ii) in subsection (b)(2), by inserting  
23 “to approval under section 155 and” after  
24 “subsection (c), subject”;



1 (B) in section 305(a)(1), by inserting “to  
2 approval under section 155 and” after “section  
3 301, subject”; and

4 (C) in section 307(a)(1), in the matter pre-  
5 ceding subparagraph (A), by inserting “to ap-  
6 proval under section 155 and” after “any ac-  
7 tion, subject”.

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

10 (A) in subsection (b), in the matter pre-  
11 ceding paragraph (1), by striking “With respect  
12 to” and inserting “Subject to approval under  
13 section 155, with respect to”; and

14 (B) in subsection (c), in the second sen-  
15 tence, by striking “If the President” and insert-  
16 ing “Subject to approval under section 155, if  
17 the President”.

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

21 (A) in subsection (a), by inserting “and  
22 subject to approval under section 155” after  
23 “of this section”;

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

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

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

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

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

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

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

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

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

4           (A) in subsection (a), in the matter pre-  
5       ceding paragraph (1), by inserting “, subject to  
6       approval under section 155 of the Trade Act of  
7       1974,” after “by proclamation”;

8           (B) in subsection (b), by inserting “subject  
9       to approval under section 155 of the Trade Act  
10      of 1974 and” after “hereby authorized,”;

11          (C) in subsection (c), by striking “Any  
12      proclamation” and inserting “Subject to ap-  
13      proval under section 155 of the Trade Act of  
14      1974, any proclamation”;

15          (D) in subsection (d), by inserting “subject  
16      to approval under section 155 of the Trade Act  
17      of 1974 and” after “he shall,”; and

18          (E) in subsection (e), by inserting “subject  
19      to approval under section 155 of the Trade Act  
20      of 1974 and” after “he shall,”.

21       (8) SAFEGUARDING NATIONAL SECURITY.—Sec-  
22      tion 232(c)(1)(B) of the Trade Expansion Act of  
23      1962 (19 U.S.C. 1862(c)(1)(B)) is amended by in-  
24      serting “, subject to approval under section 155 of  
25      the Trade Act of 1974,” after “shall”.

1           (9) BIPARTISAN CONGRESSIONAL TRADE PRIOR-  
2 ITIES AND ACCOUNTABILITY ACT OF 2015.—Section  
3 103(a) of the Bipartisan Congressional Trade Prior-  
4 ities and Accountability Act of 2015 (19 U.S.C.  
5 4202(a)) is amended—

6           (A) in paragraph (1)(B), by inserting “and  
7 approval under section 155 of the Trade Act of  
8 1974” after “paragraphs (2) and (3)”; and

9           (B) in paragraph (7), by inserting “and  
10 approval under section 155 of the Trade Act of  
11 1974” after “3524”).

12          (10) INTERNATIONAL EMERGENCY ECONOMIC  
13 POWERS ACT.—Section 203(a)(1)(B) of the Inter-  
14 national Emergency Economic Powers Act (50  
15 U.S.C. 1702(a)(1)(B)) is amended by inserting  
16 “(subject to section 155 of the Trade Act of 1974)”  
17 after “importation”.

18          (11) TRADING WITH THE ENEMY ACT.—Section  
19 11 of the Trading with the Enemy Act (50 U.S.C.  
20 4311) is amended by striking “Whenever” and in-  
21 serting “Subject to approval under section 155 of  
22 the Trade Act of 1974, whenever”.

23          (12) FREE TRADE AGREEMENT IMPLEMENTING  
24 BILLS.—

1 (A) NORTH AMERICAN FREE TRADE  
2 AGREEMENT IMPLEMENTATION ACT.—Section  
3 201 of the North American Free Trade Agree-  
4 ment Implementation Act (19 U.S.C. 3331) is  
5 amended—

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

11 (ii) in subsection (b)(1), in the matter  
12 preceding subparagraph (A), by striking  
13 “and the consultation and layover require-  
14 ments of section 103(a)” and inserting “,  
15 the consultation and layover requirements  
16 of section 103(a), and approval under sec-  
17 tion 155 of the Trade Act of 1974,”.

18 (B) URUGUAY ROUND AGREEMENTS  
19 ACT.—Section 111 of the Uruguay Round  
20 Agreements Act (19 U.S.C. 3521) is amend-  
21 ed—

22 (i) in subsection (a), in the matter  
23 preceding paragraph (1), by inserting “and  
24 subject to approval under section 155 of  
25 the Trade Act of 1974” after “2902”;

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

(iii) in subsection (c)(1)(A), in the flush text at the end, by striking “may” and inserting “may, subject to approval under section 155 of the Trade Act of 1974,”; and

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

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

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

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

1 subject to approval under section 155 of  
2 the Trade Act of 1974” after “subsection  
3 (c)”.

4 (D) UNITED STATES-JORDAN FREE TRADE  
5 AREA IMPLEMENTATION ACT.—Section 101 of  
6 the United States-Jordan Free Trade Area Im-  
7 plementation Act (Public Law 107–43; 19  
8 U.S.C. 2112 note) is amended—

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

14 (ii) in subsection (b), in the matter  
15 preceding paragraph (1), by striking  
16 “may” and inserting “may, subject to ap-  
17 proval under section 155 of the Trade Act  
18 of 1974,”.

19 (E) DOMINICAN REPUBLIC-CENTRAL  
20 AMERICA-UNITED STATES FREE TRADE AGREE-  
21 MENT IMPLEMENTATION ACT.—Section 201 of  
22 the Dominican Republic-Central America-  
23 United States Free Trade Agreement Imple-  
24 mentation Act (19 U.S.C. 4031) is amended—

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

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

10 (F) UNITED STATES-CHILE FREE TRADE  
 11 AGREEMENT IMPLEMENTATION ACT.—Section  
 12 201 of the United States-Chile Free Trade  
 13 Agreement Implementation Act (Public Law  
 14 108–77; 19 U.S.C. 3805 note) is amended—

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

20 (ii) in subsection (b), in the matter  
 21 preceding paragraph (1), by inserting “and  
 22 approval under section 155 of the Trade  
 23 Act of 1974” after “section 103(a)”.

24 (G) UNITED STATES-SINGAPORE FREE  
 25 TRADE AGREEMENT IMPLEMENTATION ACT.—



1           Section 201 of the United States-Singapore  
2           Free Trade Agreement Implementation Act  
3           (Public Law 108–78; 19 U.S.C. 3805 note) is  
4           amended—

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

10                   (ii) in subsection (b), in the matter  
11                   preceding paragraph (1), by inserting “and  
12                   approval under section 155 of the Trade  
13                   Act of 1974” after “section 103(a)”.

14           (H) UNITED STATES-AUSTRALIA FREE  
15           TRADE AGREEMENT IMPLEMENTATION ACT.—  
16           Section 201 of the United States-Australia Free  
17           Trade Agreement Implementation Act (Public  
18           Law 108–286; 19 U.S.C. 3805 note) is amend-  
19           ed—

20                   (i) in subsection (a), in the matter  
21                   preceding paragraph (1), by striking  
22                   “may” and inserting “may, subject to ap-  
23                   proval under section 155 of the Trade Act  
24                   of 1974,”; and

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

5 (I) UNITED STATES-MOROCCO FREE  
6 TRADE AGREEMENT IMPLEMENTATION ACT.—  
7 Section 201 of the United States-Morocco Free  
8 Trade Agreement Implementation Act (Public  
9 Law 108–302; 19 U.S.C. 3805 note) is amend-  
10 ed—

11 (i) in subsection (a)(1), in the matter  
12 preceding subparagraph (A), by striking  
13 “may” and inserting “may, subject to ap-  
14 proval under section 155 of the Trade Act  
15 of 1974,”; and

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

20 (J) UNITED STATES-BAHRAIN FREE TRADE  
21 AGREEMENT IMPLEMENTATION ACT.—Section  
22 201 of the United States-Bahrain Free Trade  
23 Agreement Implementation Act (Public Law  
24 109–169; 19 U.S.C. 3805 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 ap-  
 4 proval under section 155 of the Trade Act  
 5 of 1974,”; and

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

10 (K) UNITED STATES-OMAN FREE TRADE  
 11 AGREEMENT IMPLEMENTATION ACT.—Section  
 12 201 of the United States-Oman Free Trade  
 13 Agreement Implementation Act (Public Law  
 14 109–283; 19 U.S.C. 3805 note) is amended—

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

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

24 (L) UNITED STATES-PERU TRADE PRO-  
 25 MOTION AGREEMENT IMPLEMENTATION ACT.—

1           Section 201 of the United States-Peru Trade  
2           Promotion Agreement Implementation Act  
3           (Public Law 110–138; 19 U.S.C. 3805 note) is  
4           amended—

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

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

14           (M) UNITED STATES-KOREA FREE TRADE  
15           AGREEMENT IMPLEMENTATION ACT.—Section  
16           201 of the United States-Korea Free Trade  
17           Agreement Implementation Act (Public Law  
18           112–41; 19 U.S.C. 3805 note) is amended—

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

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

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

3 (N) UNITED STATES-COLOMBIA TRADE  
4 PROMOTION AGREEMENT IMPLEMENTATION  
5 ACT.—Section 201 of the United States-Colom-  
6 bia Trade Promotion Agreement Implementa-  
7 tion Act (Public Law 112–42; 19 U.S.C. 3805  
8 note) is amended—

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

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

18 (O) UNITED STATES-PANAMA TRADE PRO-  
19 MOTION AGREEMENT IMPLEMENTATION ACT.—  
20 Section 201 of the United States-Panama  
21 Trade Promotion Agreement Implementation  
22 Act (Public Law 112–43; 19 U.S.C. 3805 note)  
23 is amended—

24 (i) in subsection (a)(1), in the matter  
25 preceding subparagraph (A), by striking

1 “may” and inserting “may, subject to ap-  
2 proval under section 155 of the Trade Act  
3 of 1974,”; and

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

○