

116TH CONGRESS 1ST SESSION

S. 1284

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

IN THE SENATE OF THE UNITED STATES

May 2, 2019

Mr. Lee (for himself, Mr. Toomey, Mr. Moran, Mr. Gardner, and Mr. Blunt) introduced the following bill; which was read twice and referred to the Committee on Finance

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	vention 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) Chapter 1 of title II.
8	"(C) Title III.
9	"(D) Section 406.
10	"(E) Section 338 of the Tariff Act of 1930
11	(19 U.S.C. 1338).
12	"(F) Section 232 of the Trade Expansion
13	Act of 1962 (19 U.S.C. 1862).
14	"(G) Section 103(a) of the Bipartisan
15	Congressional Trade Priorities and Account-
16	ability Act of 2015 (19 U.S.C. 4202(a)).
17	"(H) The Trading with the Enemy Act (50
18	U.S.C. 4301 et seq.).
19	"(I) The International Emergency Eco-
20	nomic Powers Act (50 U.S.C. 1701 et seq.).
21	"(J) Any provision of law enacted to im-
22	plement a trade agreement to which the United
23	States is a party.
24	"(K) Any provision of a trade agreement
25	to which the United States is a party.

1	"(3) Exception for technical corrections
2	TO HARMONIZED TARIFF SCHEDULE.—A technical
3	correction to the Harmonized Tariff Schedule of the
4	United States shall not be considered a unilateral
5	trade action for purposes of this section.
6	"(b) Congressional Approval Required.—A
7	unilateral trade action may not take effect unless—
8	"(1) the President submits to Congress and to
9	the Comptroller General of the United States a re-
10	port that includes—
11	"(A) a description of the proposed unilat-
12	eral trade action;
13	"(B) the proposed effective period for the
14	action;
15	"(C) an economic cost-benefit analysis of
16	the action, including an assessment of—
17	"(i) whether the action is in the na-
18	tional economic interest of the United
19	States; and
20	"(ii) the macroeconomic effects of the
21	action on—
22	"(I) employment in the United
23	States;
24	"(II) the gross domestic product
25	of the United States; and

1	"(III) revenues and expenditures
2	of the Federal Government; and
3	"(D) 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; and
7	"(2) a joint resolution of approval is enacted
8	pursuant to subsection (d) with respect to the ac-
9	tion.
10	"(c) Report of Comptroller General.—Not
11	later than 30 days after the submission of the report re-
12	quired by subsection (b)(1) with respect to a proposed uni-
13	lateral trade action, the Comptroller General shall submit
14	to Congress a report on the proposed action that includes
15	an assessment of the compliance of the President with the
16	provision of law specified in subsection (a)(2) pursuant to
17	which the action would be taken.
18	"(d) Procedures for Joint Resolution of Ap-
19	PROVAL.—
20	"(1) Joint resolution of approval de-
21	FINED.—For purposes of this subsection, the term
22	'joint resolution of approval' means a joint resolution
23	of either House of Congress that—

1	"(A) states that Congress approves an ac-
2	tion proposed by the President in a report sub-
3	mitted under subsection (b)(1); and
4	"(B) describes the action being approved
5	by Congress.
6	"(2) Introduction.—During the period of 45
7	days after a House of Congress receives a report
8	under subsection (b)(1) with respect to a unilateral
9	trade action, a joint resolution of approval may be
10	introduced by any Member of that House.
11	"(3) Committee consideration.—
12	"(A) Referral.—A joint resolution of ap-
13	proval introduced in the House of Representa-
14	tives shall be referred to the Committee on
15	Ways and Means and a joint resolution of ap-
16	proval introduced in the Senate shall be re-
17	ferred to the Committee on Finance.
18	"(B) Consideration.—The Committee on
19	Ways and Means and the Committee on Fi-
20	nance may, in considering a joint resolution of
21	approval, hold such hearings and meetings and
22	solicit such testimony as the Committee con-
23	siders appropriate.
24	"(C) Reporting.—

1	"(i) In general.—Subject to sub-
2	paragraph (D), the Committee on Ways
3	and Means and the Committee on Finance
4	may, at any time after receiving a joint
5	resolution of approval, report the resolu-
6	tion favorably or unfavorably.
7	"(ii) Subsequent resolutions.—If
8	a subsequent joint resolution of approval
9	relating to the same unilateral trade action
10	proposed in the same report submitted
11	under subsection (b)(1) is referred to the
12	Committee on Ways and Means or the
13	Committee on Finance after the first such
14	resolution is reported or discharged, the
15	subsequent resolution shall not be reported
16	under this subparagraph.
17	"(iii) Placement on Calendar.—A
18	joint resolution of approval reported by the
19	Committee on Ways and Means or the
20	Committee on Finance shall lie over one
21	legislative day and then be placed on the
22	appropriate calendar.
23	"(D) DISCHARGE.—
24	"(i) In General.—If the Committee
25	on Ways and Means or the Committee on

1	Finance has not reported a joint resolution
2	of approval by the date that is 15 days
3	after the resolution is referred to the com-
4	mittee, the resolution shall be automati-
5	cally discharged from the committee and
6	placed on the appropriate calendar.
7	"(ii) Prohibition on motions to
8	RECOMMIT.—A motion to recommit a joint
9	resolution of approval shall not be in order.
10	"(iii) Subsequent resolutions.—If
11	a subsequent joint resolution of approval
12	relating to the same unilateral trade action
13	proposed in the same report submitted
14	under subsection (b)(1) is referred to the
15	Committee on Ways and Means or the
16	Committee on Finance after the first such
17	resolution is reported or discharged, the
18	subsequent resolution shall not be dis-
19	charged under this subparagraph.
20	"(4) Floor consideration in senate.—In
21	the Senate:
22	"(A) MOTION TO PROCEED.—
23	"(i) Timing.—A motion to proceed to
24	a joint resolution of approval is in order at

1	any time after the resolution is placed on
2	the calendar.
3	"(ii) Motion by any senator.—Any
4	Senator may move to proceed to a joint
5	resolution of approval.
6	"(iii) Privilege.—A motion to pro-
7	ceed to the consideration of the joint reso-
8	lution of approval is privileged, except that
9	this clause shall apply only to a motion to
10	proceed to a joint resolution of approval
11	reported or discharged from the Committee
12	on Finance under paragraph (3) or to the
13	first joint resolution of approval placed on
14	the calendar after passage in the House of
15	Representatives.
16	"(iv) Debate on a motion
17	to proceed to a joint resolution of approval
18	is limited to not more than 5 hours, equal-
19	ly divided between Senators favoring and
20	Senators opposing the resolution.
21	"(v) MOTION NOT AMENDABLE.—The
22	motion to proceed to the joint resolution of
23	approval is not amendable. A motion to re-
24	consider is not in order. A motion to table
25	is not in order

1 "(vi) OTHER MOTIONS NOT IN
2 ORDER.—After a motion to proceed to a
3 joint resolution of approval is agreed to,
4 motions to postpone or to consider other
5 business are not in order.

"(B) MOTIONS AND APPEALS.—All motions and appeals relating to a joint resolution of approval shall be decided by the Senate without debate.

"(5) Consideration in HOUSE \mathbf{OF} REP-RESENTATIVES.—In the House of Representatives, if any committee to which a joint resolution of approval has been referred has not reported it to the House at the end of 10 calendar days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On Thursdays it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 3 calendar days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up, a joint resolution shall be considered as read and shall be debatable for 1 hour equal-

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ly divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken on or before the close of the 10th calendar day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution, such vote shall be taken on that day.

- "(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a joint resolution of approval, one House receives from the other a joint resolution of approval from the other House, then—
 - "(A) the joint resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day it is received; and
 - "(B) the procedures set forth in paragraph (4) or (5), as applicable, shall apply in the receiving House to the joint resolution received from the other House to the same extent as

such procedures apply to a joint resolution of the receiving House.

- 3 "(7) Rules of house of representatives 4 And senate.—This subsection is enacted by Con-5 gress—
- 6 "(A) as an exercise of the rulemaking 7 power of the House of Representatives and the 8 Senate, respectively, and as such is deemed a 9 part of the rules of each House, respectively, 10 and the rules provided for in this section super-11 sede other rules only to the extent that they are 12 inconsistent with such other rules; and
 - "(B) with the full recognition of the constitutional right of either House to change the rules provided for in this section (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.
- "(e) Report by the United States Inter20 National Trade Commission.—Not later than 12
 21 months after the date of a unilateral trade action taken
 22 pursuant to this section, the United States International
 23 Trade Commission shall submit to Congress a report on
 24 the effects of the action on the United States economy,
 25 including a comprehensive assessment of the economic ef-

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- 1 fects of the action on producers and consumers in the
- 2 United States.".
- 3 (b) CLERICAL AMENDMENT.—The table of contents
- 4 for the Trade Act of 1974 is amended by inserting after
- 5 the item relating to section 154 the following:

"Sec. 155. Congressional review of unilateral trade actions.".

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