

115TH CONGRESS 2D SESSION

H. R. 6923

To require congressional approval of certain trade remedies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 26, 2018

Mr. Sanford (for himself and Mr. Cooper) 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 require congressional approval of certain trade remedies, 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 "Promoting Responsible
- 5 and Free Trade Act".
- 6 SEC. 2. APPROVAL FOR REMEDY ACTIONS BY THE UNITED
- 7 STATES TRADE REPRESENTATIVE.
- 8 Section 301 of the Trade Act of 1974 (19 U.S.C.
- 9 2411) is amended as follows:

- 1 (1) MANDATORY ACTION.—In the matter following subsection (a)(1)(B)(ii), by striking "shall take action authorized in subsection (c)" and inserting "shall propose, in accordance with subsection (d), action authorized under subsection (c)".
- 6 (2) DISCRETIONARY ACTION.—In subsection
 7 (b)(2), by striking "shall take all appropriate and
 8 feasible action authorized under subsection (c)" and
 9 inserting "shall propose, in accordance with sub10 section (d), appropriate and feasible action author11 ized under subsection (c)".
- 12 (3) CONGRESSIONAL DISAPPROVAL PROCE-13 DURES.—By redesignating subsection (d) as sub-14 section (e) and inserting after subsection (c) the fol-15 lowing:
- 16 "(d) Congressional Disapproval Proce-17 dures.—

18 "(1) IN GENERAL.—The Trade Representative 19 shall submit to the Committee on Ways and Means 20 of the House of Representatives and to the Com-21 mittee on Finance of the Senate a report describing 22 and justifying a determination pursuant to sub-23 section (a) or (b) of this section and specifying the 24 proposed action authorized under subsection (c). The 25 Trade Representative shall also include in such re1

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port, as appropriate, any specific direction of the President relating to such proposed action and any other action within the power of the President that the President, as provided for in subsection (a), may have directed the Trade Representative to take with respect to such determination.

"(2) Entry into force.—

"(A) JOINT RESOLUTION OF DIS-APPROVAL.—An action proposed in accordance with paragraph (1) shall take effect on the date that is 60 days after the date of the submission of the report required by paragraph (1) unless, within such 60 day window, Congress enacts a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the action proposed by the Trade Representative under section 301 of the Trade Act of 1974 submitted to the Congress on .', the blank space being filled with the appropriate date.

"(B) PROCEDURES APPLIED.—The provisions of section 152 shall apply to resolutions described in subsection (a).".

1	SEC. 3. APPROVAL FOR REMEDY ACTION RELATING TO
2	POSITIVE ADJUSTMENTS TO IMPORT COM-
3	PETITION.
4	Section 202 of the Trade Act of 1974 (19 U.S.C.
5	2252) is amended as follows:
6	(1) Initial submission to congress.—In
7	subsection (f)—
8	(A) in paragraph (1), by striking "shall
9	submit to the President" and inserting "shall
10	submit to the Committee on Ways and Means
11	of the House of Representatives and the Com-
12	mittee on Finance of the Senate"; and
13	(B) in paragraph (3), by striking "submit-
14	ting a report to the President" and inserting
15	"submitting a report to the Committees".
16	(2) Conforming amendments.—In the mat-
17	ter following subsection (c)(2)(B), by striking "to
18	the President under subsection (e)" and inserting
19	"under subsection (f)".
20	(3) Congressional disapproval proce-
21	DURES.—By adding at the end the following:
22	"(j) Entry Into Force.—
23	"(1) Joint resolution of disapproval.—
24	On the date that is 60 days after the date of the
25	submission of a report under subsection (f), the
26	Commission shall submit such report to the Presi-

1	dent unless, within such 60 day window, Congress
2	enacts a joint resolution, the matter after the resolv-
3	ing clause of which is as follows: 'That the Congress
4	does not approve the report by the Commission
5	under section 202(f) of the Trade Act of 1974 sub-
6	mitted to the Congress on', the blank
7	space being filled with the appropriate date.
8	"(2) Procedures applied.—The provisions of
9	section 152 shall apply to resolutions described in
10	subsection (a).".
11	SEC. 4. APPROVAL FOR ACTION SAFEGUARDING NATIONAL
12	SECURITY.
13	(a) In General.—Section 232 of the Trade Expan-
13 14	(a) In General.—Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended—
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14	sion Act of 1962 (19 U.S.C. 1862) is amended—
14 15	sion Act of 1962 (19 U.S.C. 1862) is amended— (1) in subsection (b)—
14 15 16	sion Act of 1962 (19 U.S.C. 1862) is amended— (1) in subsection (b)— (A) in paragraph (1)—
14 15 16 17	sion Act of 1962 (19 U.S.C. 1862) is amended— (1) in subsection (b)— (A) in paragraph (1)— (i) in subparagraph (A), by striking
14 15 16 17	sion Act of 1962 (19 U.S.C. 1862) is amended— (1) in subsection (b)— (A) in paragraph (1)— (i) in subparagraph (A), by striking "Secretary of Commerce" and all that fol-
114 115 116 117 118	sion Act of 1962 (19 U.S.C. 1862) is amended— (1) in subsection (b)— (A) in paragraph (1)— (i) in subparagraph (A), by striking "Secretary of Commerce" and all that follows through ") shall" and inserting "the
114 115 116 117 118 119 220	sion Act of 1962 (19 U.S.C. 1862) is amended— (1) in subsection (b)— (A) in paragraph (1)— (i) in subparagraph (A), by striking "Secretary of Commerce" and all that follows through ") shall" and inserting "the Secretary of Defense shall"; and
14 15 16 17 18 19 20 21	sion Act of 1962 (19 U.S.C. 1862) is amended— (1) in subsection (b)— (A) in paragraph (1)— (i) in subparagraph (A), by striking "Secretary of Commerce" and all that follows through ") shall" and inserting "the Secretary of Defense shall"; and (ii) in subparagraph (B)—

1	(II) by striking "Secretary of De-
2	fense of" and inserting "Secretary of
3	Commerce of";
4	(B) in paragraph (2)—
5	(i) by striking subparagraph (B);
6	(ii) in subparagraph (A)—
7	(I) in the matter preceding clause
8	(i)—
9	(aa) by striking "(A) In"
10	and inserting "In"; and
11	(bb) by striking "Secretary"
12	and inserting "Secretary of De-
13	fense"; and
14	(II) by striking clauses (i)
15	through (iii) and inserting the fol-
16	lowing:
17	"(A) consult with the Secretary of Commerce
18	regarding the methodological and policy questions
19	raised in any investigation initiated under paragraph
20	(1);
21	"(B) prepare an assessment of the defense re-
22	quirements and national security impact of any arti-
23	cle that is the subject of an investigation, which
24	shall focus on—

1	"(i) the impact of the importation of the
2	article on military readiness and critical infra-
3	structure; and
4	"(ii) the need for a reliable supply of the
5	article to protect national security;
6	"(C) seek information and advice from the Sec-
7	retary of Commerce;
8	"(D) consult with appropriate officers of the
9	United States;
10	"(E) consult with members of the Committee
11	on Finance of the Senate and members of the Com-
12	mittee on Ways and Means of the House of Rep-
13	resentatives; and
14	"(F) hold public hearings, co-chaired with the
15	Department of Commerce, or otherwise afford inter-
16	ested parties an opportunity to present information
17	and advice relevant to such investigation.";
18	(C) in paragraph (3)—
19	(i) by redesignating subparagraph (B)
20	as subparagraph (D);
21	(ii) by striking subparagraph (A) and
22	inserting the following:
23	"(A) Not later than 200 days after the date on which
24	the Secretary of Defense initiates an investigation under
25	paragraph (1) with respect to an article, the Secretary of

1	Defense shall submit to the President a report on the find-
2	ings of such investigation with respect to the effect of the
3	importation of such article in such quantities or under
4	such circumstances on the national security of the United
5	States.
6	"(B) If the report described in subparagraph (A) in-
7	cludes an affirmative finding that the importation of ar
8	article in such quantities or under such circumstances
9	threatens to impair the national security, the President
10	may direct the Secretary of Commerce to devise rec-
11	ommendations to address such threat.
12	"(C) Not later than 100 days after receiving from
13	the President under subparagraph (B) a direction to de-
14	vise recommendations with respect to an article, the Sec-
15	retary of Commerce shall submit to the Committee on
16	Ways and Means of the House of Representatives and the
17	Committee on Finance of the Senate a report that in-
18	cludes—
19	"(i) recommendations for action or inaction
20	under this section with respect to the article; and
21	"(ii) the findings of the Secretary of Commerce
22	with respect to the investigation by the Secretary of
23	Defense under paragraph (1)."; and
24	(iii) in subparagraph (D), as so redes-
25	ignated by subparagraph (C)—

1	(I) by striking "Secretary" and
2	inserting "Secretary of Defense"; and
3	(II) by inserting "or the report
4	submitted by the Secretary of Com-
5	merce under subparagraph (C)" after
6	"subparagraph (A)";
7	(D) in paragraph (4), by inserting "of De-
8	fense, in consultation with the Secretary of
9	Commerce," after "The Secretary"; and
10	(E) by adding at the end the following:
11	"(5) The Secretary shall submit the report de-
12	scribed in paragraph (3)(C) to the President if Con-
13	gress enacts a joint resolution, the matter after the
14	resolving clause of which is as follows: 'That the
15	Congress approves the report by the Commission
16	under section 232 of the Trade Act of 1962 sub-
17	mitted to the Congress on', the blank
18	space being filled with the appropriate date. The
19	provisions of section 152 of the Trade Act of 1974
20	shall apply with respect to the consideration of such
21	joint resolution.";
22	(2) in subsection (e)(1), by striking subpara-
23	graph (A) and inserting the following:

1	"(A) Not later than 60 days after receiving rec-
2	ommendations submitted under subsection (b)(5) with re-
3	spect to an article, the President shall—
4	"(i) decide whether to take action based on
5	such recommendations; and
6	"(ii) if the President decides to take action
7	under clause (i), determine the nature and duration
8	of the action to be taken to adjust the imports of the
9	article and its derivatives so that such imports will
10	not threaten to impair the national security.";
11	(3) in subsection (d)—
12	(A) by striking "the Secretary and the
13	President" each place it appears and inserting
14	"the Secretary of Defense, the Secretary of
15	Commerce, and the President"; and
16	(B) by inserting ", the production of which
17	is needed for national defense requirements and
18	critical infrastructure in the United States"
19	after "welfare of individual domestic indus-
20	tries'';
21	(4) by redesignating the second subsection (d)
22	as subsection (e); and
23	(5) in subsection (e)(1), as so redesignated by
24	paragraph (3), by striking "Secretary" and inserting
25	"Secretary of Defense".

(b) Effective Date.—

- (1) Suspension of enforcement of prior ongoing actions.—No action taken pursuant to such section 232 (as in effect before the date of the enactment of this Act) during the 2-year period ending on the day before the date of the enactment of this Act may be enforced until the date of the enactment of a joint resolution of approval described in paragraph (2).
- (2) Procedures to enforce prior ongoing Actions.—A joint resolution described in this paragraph is a resolution the matter after the resolving clause of which is as follows: "That the Congress approves the action relating to _____ under section 232 of the Trade Act of 1962 as in effect on ____.", the blank spaces being filled with, respectively, a description of the action to be approved and the appropriate date. The provisions of section 152 of the Trade Act of 1974 shall apply with respect to the consideration of such joint resolution.