

115TH CONGRESS
2D SESSION

H. R. 5281

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

MARCH 14, 2018

Mr. DAVIDSON (for himself, Mr. MEADOWS, Mr. NORMAN, Mr. SANFORD, Mr. KELLY of Mississippi, and Mr. THOMPSON of Pennsylvania) 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 “Global Trade Account-
5 ability Act of 2018”.

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) 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 redesignating subsections (n) and (o) as subsections (m) and (n), respectively;

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

(i) in paragraph (1), by striking “subsection (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 DIVERSION.—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 section 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

(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 104”.

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

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

(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 104”.

(J) UNITED STATES-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT.—Section 201 of the United States-Bahrain Free Trade Agreement Implementation Act (Public Law 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”.

○