

116TH CONGRESS  
1ST SESSION

# H. R. 3673

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2019

Mr. CUNNINGHAM 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 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 of 2019”.

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 fol-  
2           lowing subsection (a)(1)(B)(ii), by striking “shall  
3           take action authorized in subsection (c)” and insert-  
4           ing “shall propose, in accordance with subsection  
5           (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 sub-  
10          section (d), appropriate and feasible action author-  
11          ized under subsection (c)”.

12          (3) CONGRESSIONAL DISAPPROVAL PROCE-  
13          DURES.—By redesignating subsection (d) as sub-  
14          section (e) and inserting after subsection (e) 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 re-

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

7 “(2) ENTRY INTO FORCE.—

8 “(A) JOINT RESOLUTION OF DIS-  
9 APPROVAL.—An action proposed in accordance  
10 with paragraph (1) shall take effect on the date  
11 that is 60 days after the date of the submission  
12 of the report required by paragraph (1) unless,  
13 within such 60 day window, Congress enacts a  
14 joint resolution, the matter after the resolving  
15 clause of which is as follows: ‘That the Con-  
16 gress does not approve the action proposed by  
17 the Trade Representative under section 301 of  
18 the Trade Act of 1974 submitted to the Con-  
19 gress on \_\_\_\_\_.’, the blank space being  
20 filled with the appropriate date.

21 “(B) PROCEDURES APPLIED.—The provi-  
22 sions of section 152 shall apply to resolutions  
23 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-  
 14 sion Act of 1962 (19 U.S.C. 1862) is amended—

15 (1) in subsection (b)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A), by striking  
 18 “Secretary of Commerce” and all that fol-  
 19 lows through “) shall” and inserting “the  
 20 Secretary of Defense shall”; and

21 (ii) in subparagraph (B)—

22 (I) by striking “Secretary shall”  
 23 and inserting “Secretary of Defense  
 24 shall”; and

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 an  
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 igned 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 (c)(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”.

1 (b) EFFECTIVE DATE.—

2 (1) SUSPENSION OF ENFORCEMENT OF PRIOR  
3 ONGOING ACTIONS.—No action taken pursuant to  
4 such section 232 (as in effect before the date of the  
5 enactment of this Act) during the 2-year period end-  
6 ing on the day before the date of the enactment of  
7 this Act may be enforced until the date of the enact-  
8 ment of a joint resolution of approval described in  
9 paragraph (2).

10 (2) PROCEDURES TO ENFORCE PRIOR ONGOING  
11 ACTIONS.—A joint resolution described in this para-  
12 graph is a resolution the matter after the resolving  
13 clause of which is as follows: “That the Congress ap-  
14 proves the action relating to \_\_\_\_\_ under section  
15 232 of the Trade Act of 1962 as in effect on  
16 \_\_\_\_\_.”, the blank spaces being filled with, re-  
17 spectively, a description of the action to be approved  
18 and the appropriate date. The provisions of section  
19 152 of the Trade Act of 1974 shall apply with re-  
20 spect to the consideration of such joint resolution.

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