

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 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) 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.—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.

6 “(B) MOTIONS AND APPEALS.—All mo-
7 tions and appeals relating to a joint resolution
8 of approval shall be decided by the Senate with-
9 out debate.

10 “(5) CONSIDERATION IN HOUSE OF REP-
11 RESENTATIVES.—In the House of Representatives, if
12 any committee to which a joint resolution of ap-
13 proval has been referred has not reported it to the
14 House at the end of 10 calendar days after its intro-
15 duction, such committee shall be discharged from
16 further consideration of the joint resolution, and it
17 shall be placed on the appropriate calendar. On
18 Thursdays it shall be in order at any time for the
19 Speaker to recognize a Member who favors passage
20 of a joint resolution that has appeared on the cal-
21 endar for at least 3 calendar days to call up that
22 joint resolution for immediate consideration in the
23 House without intervention of any point of order.
24 When so called up, a joint resolution shall be consid-
25 ered as read and shall be debatable for 1 hour equal-

1 ly divided and controlled by the proponent and an
2 opponent, and the previous question shall be consid-
3 ered as ordered to its passage without intervening
4 motion. It shall not be in order to reconsider the
5 vote on passage. If a vote on final passage of the
6 joint resolution has not been taken on or before the
7 close of the 10th calendar day after the resolution
8 is reported by the committee or committees to which
9 it was referred, or after such committee or commit-
10 tees have been discharged from further consideration
11 of the resolution, such vote shall be taken on that
12 day.

13 “(6) RECEIPT OF RESOLUTION FROM OTHER
14 HOUSE.—If, before passing a joint resolution of ap-
15 proval, one House receives from the other a joint
16 resolution of approval from the other House, then—

17 “(A) the joint resolution of the other
18 House shall not be referred to a committee and
19 shall be deemed to have been discharged from
20 committee on the day it is received; and

21 “(B) the procedures set forth in paragraph
22 (4) or (5), as applicable, shall apply in the re-
23 ceiving House to the joint resolution received
24 from the other House to the same extent as

1 such procedures apply to a joint resolution of
2 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 secede other rules only to the extent that they are
12 inconsistent with such other rules; and

13 “(B) with the full recognition of the con-
14 stitutional right of either House to change the
15 rules provided for in this section (so far as re-
16 lating to the procedures of that House) at any
17 time, in the same manner, and to the same ex-
18 tent as any other rule of that House.

19 “(e) REPORT BY THE UNITED STATES INTER-
20 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-

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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