

115TH CONGRESS  
2D SESSION

# H. R. 5760

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2018

Mr. KIND (for himself, Mr. NORMAN, Mr. MEEKS, and Mr. DENT) 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 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 “Trade Authority Pro-  
5 tection Act”.

1 **SEC. 2. REVIEW OF CONGRESSIONALLY DELEGATED 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. REVIEW OF CONGRESSIONALLY DELEGATED**  
7 **TRADE ACTIONS.**

8 “(a) CONGRESSIONALLY DELEGATED TRADE ACTION  
9 DEFINED.—

10 “(1) IN GENERAL.—In this section, the term  
11 ‘congressionally delegated trade action’ means any of  
12 the following actions taken with respect to the im-  
13 portation of an article pursuant to a provision of law  
14 specified in paragraph (2):

15 “(A) A prohibition on importation of the  
16 article.

17 “(B) The imposition of or an increase in a  
18 duty applicable to the article.

19 “(C) The imposition or tightening of a tar-  
20 iff-rate quota applicable to the article.

21 “(D) The imposition or tightening of a  
22 quantitative restriction on the importation of  
23 the article.

24 “(E) The suspension, withdrawal, or pre-  
25 vention of the application of trade agreement  
26 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 congression-  
2 ally delegated trade action for purposes of this sec-  
3 tion.

4 “(b) EFFECTIVE DATE FOR CONGRESSIONALLY DEL-  
5 EGATED TRADE ACTION.—

6 “(1) IN GENERAL.—A congressionally delegated  
7 trade action shall take effect 60 days after the date  
8 of the submission of the report required under para-  
9 graph (2) unless a joint resolution of disapproval is  
10 enacted pursuant to subsection (d).

11 “(2) REPORT REQUIRED.—With respect to any  
12 proposed congressionally delegated trade action, the  
13 President shall submit to Congress and to the  
14 Comptroller General of the United States a report  
15 that includes—

16 “(A) a description of the proposed action;

17 “(B) the proposed effective period for the  
18 action;

19 “(C) an analysis of the action, including  
20 whether the action is in the national economic  
21 interest of the United States;

22 “(D) an assessment of the potential effect  
23 of retaliation from trading partners affected by  
24 the action;

1           “(E) an analysis of the economic impacts  
2           of the action and of such retaliation; and

3           “(F) 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.

7           “(c) REPORT OF COMPTROLLER GENERAL.—Not  
8           later than 15 days after the submission of the report re-  
9           quired by subsection (b)(1) with respect to a proposed con-  
10          gressionally delegated trade action, the Comptroller Gen-  
11          eral shall submit to Congress a report on the proposed  
12          action that includes an assessment of the compliance of  
13          the President with the provision of law specified in sub-  
14          section (a)(2) pursuant to which the action would be  
15          taken.

16          “(d) CONGRESSIONAL REVIEW ACT PROCEDURES  
17          FOR JOINT RESOLUTION OF DISAPPROVAL.—

18                 “(1) APPLICATION OF CONGRESSIONAL REVIEW  
19          ACT PROCEDURES.—A joint resolution under this  
20          subsection shall be considered in the same manner  
21          and subject to the same procedures as a joint resolu-  
22          tion under section 802 of title 5, United States Code  
23          (referred to as the ‘Congressional Review Act’), ex-  
24          cept that subsection (b)(2) of such section shall be  
25          applied by substituting the date of the submission of

1 the report required under paragraph (2) for the  
2 ‘submission or publication date’ under such sub-  
3 section.

4 “(2) JOINT RESOLUTION DEFINED.—For pur-  
5 poses of this subsection, the term ‘joint resolution’  
6 means only a joint resolution of either House of  
7 Congress, the matter after the resolving clause of  
8 which is as follows: ‘That Congress disapproves the  
9 action proposed by the President in the report sub-  
10 mitted to Congress under section 155(b)(2) of the  
11 Trade Act of 1974 on \_\_\_\_\_, and such  
12 action shall have no force or effect.’, with the blank  
13 space being filled with the appropriate date.

14 “(e) REPORT BY THE UNITED STATES INTER-  
15 NATIONAL TRADE COMMISSION.—Not later than 12  
16 months after the date on which a congressionally dele-  
17 gated trade action enters into effect pursuant to this sec-  
18 tion, the United States International Trade Commission  
19 shall submit to the Committee on Finance of the Senate  
20 and the Committee on Ways and Means of the House of  
21 Representatives a report on the effects of the action on  
22 the United States economy, including a comprehensive as-  
23 sessment of the economic effects of the action on pro-  
24 ducers and consumers in the United States.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 for the Trade Act of 1974 is amended by inserting after  
3 the item relating to section 154 the following:

“Sec. 155. Review of congressionally delegated trade actions.”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) BALANCE-OF-PAYMENTS AUTHORITY.—Sec-  
6 tion 122 of the Trade Act of 1974 (19 U.S.C. 2132)  
7 is amended—

8 (A) in subsection (a), in the flush text fol-  
9 lowing paragraph (3), by inserting “and subject  
10 to disapproval under section 155” after “Con-  
11 gress)”;

12 (B) in subsection (c), in the flush text fol-  
13 lowing paragraph (2), by inserting “and subject  
14 to disapproval under section 155” after “Con-  
15 gress)”;

16 (C) in subsection (g), by inserting “and  
17 subject to disapproval under section 155” after  
18 “of this section”.

19 (2) RULES OF HOUSE AND SENATE.—Section  
20 151(a) of the Trade Act of 1974 (19 U.S.C.  
21 2191(a)) is amended—

22 (A) in the matter preceding paragraph (1),  
23 by striking “and 153” and inserting “, 153,  
24 and 155”; and

1 (B) in paragraph (1), by striking “and  
2 153(a)” and inserting “, 153(a), and 155(e)”.

3 (3) ENFORCEMENT OF RIGHTS UNDER TRADE  
4 AGREEMENTS.—Title III of the Trade Act of 1974  
5 (19 U.S.C. 2411 et seq.) is amended—

6 (A) in section 301—

7 (i) in subsection (a), in the flush text,  
8 by inserting “to disapproval under section  
9 155 and” after “subsection (c), subject”;  
10 and

11 (ii) in subsection (b)(2), by inserting  
12 “to disapproval under section 155 and”  
13 after “subsection (c), subject”;

14 (B) in section 305(a)(1), by inserting “to  
15 disapproval under section 155 and” after “sec-  
16 tion 301, subject”; and

17 (C) in section 307(a)(1), in the matter pre-  
18 ceding subparagraph (A), by inserting “to dis-  
19 approval under section 155 and” after “any ac-  
20 tion, subject”.

21 (4) MARKET DISRUPTION.—Section 406 of the  
22 Trade Act of 1974 (19 U.S.C. 2436) is amended—

23 (A) in subsection (b), in the matter pre-  
24 ceding paragraph (1), by striking “With respect



1 to” and inserting “Subject to disapproval under  
2 section 155, with respect to”; and

3 (B) in subsection (c), in the second sen-  
4 tence, by striking “If the President” and insert-  
5 ing “Subject to disapproval under section 155,  
6 if the President”.

7 (5) ACTION TO ADDRESS MARKET DISRUP-  
8 TION.—Section 421 of the Trade Act of 1974 (19  
9 U.S.C. 2451) is amended—

10 (A) in subsection (a), by inserting “and  
11 subject to disapproval under section 155” after  
12 “of this section”;

13 (B) in subsection (i)(4)(A), by inserting “,  
14 subject to disapproval under section 155,” after  
15 “provisional relief and”;

16 (C) in subsection (k)(1), by striking  
17 “Within 15 days” and inserting “Subject to  
18 section 155, within 15 days”;

19 (D) by striking subsection (m) and by re-  
20 designating subsections (n) and (o) as sub-  
21 sections (m) and (n), respectively;

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

1 (i) in paragraph (1), by striking “sub-  
2 section (m)” and inserting “this section”;  
3 and

4 (ii) in paragraph (2), by inserting  
5 “and subject to disapproval under section  
6 155” after “paragraph (1)”; and

7 (F) in paragraph (3) of subsection (n), as  
8 redesignated by subparagraph (D), by striking  
9 “subsection (m)” and inserting “this section”.

10 (6) ACTION IN RESPONSE TO TRADE DIVER-  
11 SION.—Section 422(h) of the Trade Act of 1974 (19  
12 U.S.C. 2451a(h)) is amended by striking “Within 20  
13 days” and inserting “Subject to disapproval under  
14 section 155, within 20 days”.

15 (7) DISCRIMINATION BY FOREIGN COUN-  
16 TRIES.—Section 338 of the Tariff Act of 1930 (19  
17 U.S.C. 1338) is amended—

18 (A) in subsection (a), in the matter pre-  
19 ceding paragraph (1), by inserting “, subject to  
20 disapproval under section 155 of the Trade Act  
21 of 1974,” after “by proclamation”;

22 (B) in subsection (b), by inserting “subject  
23 to disapproval under section 155 of the Trade  
24 Act of 1974 and” after “hereby authorized,”;

1 (C) in subsection (c), by striking “Any  
2 proclamation” and inserting “Subject to dis-  
3 approval under section 155 of the Trade Act of  
4 1974, any proclamation”;

5 (D) in subsection (d), by inserting “subject  
6 to disapproval under section 155 of the Trade  
7 Act of 1974 and” after “he shall,”; and

8 (E) in subsection (e), by inserting “subject  
9 to disapproval under section 155 of the Trade  
10 Act of 1974 and” after “he shall,”.

11 (8) SAFEGUARDING NATIONAL SECURITY.—Sec-  
12 tion 232(c)(1)(B) of the Trade Expansion Act of  
13 1962 (19 U.S.C. 1862(c)(1)(B)) is amended by in-  
14 serting “, subject to disapproval under section 155  
15 of the Trade Act of 1974,” after “shall”.

16 (9) BIPARTISAN CONGRESSIONAL TRADE PRIOR-  
17 ITIES AND ACCOUNTABILITY ACT OF 2015.—Section  
18 103(a) of the Bipartisan Congressional Trade Prior-  
19 ities and Accountability Act of 2015 (19 U.S.C.  
20 4202(a)) is amended—

21 (A) in paragraph (1)(B), by inserting “and  
22 disapproval under section 155 of the Trade Act  
23 of 1974” after “paragraphs (2) and (3)”;

1 (B) in paragraph (7), by inserting “and  
2 disapproval under section 155 of the Trade Act  
3 of 1974” after “3524”).

4 (10) INTERNATIONAL EMERGENCY ECONOMIC  
5 POWERS ACT.—Section 203(a)(1)(B) of the Inter-  
6 national Emergency Economic Powers Act (50  
7 U.S.C. 1702(a)(1)(B)) is amended by inserting  
8 “(subject to section 155 of the Trade Act of 1974)”  
9 after “importation”.

10 (11) TRADING WITH THE ENEMY ACT.—Section  
11 11 of the Trading with the Enemy Act (50 U.S.C.  
12 4311) is amended by striking “Whenever” and in-  
13 sserting “Subject to disapproval under section 155 of  
14 the Trade Act of 1974, whenever”.

15 (12) FREE TRADE AGREEMENT IMPLEMENTING  
16 BILLS.—

17 (A) NORTH AMERICAN FREE TRADE  
18 AGREEMENT IMPLEMENTATION ACT.—Section  
19 201 of the North American Free Trade Agree-  
20 ment Implementation Act (19 U.S.C. 3331) is  
21 amended—

22 (i) in subsection (a)(1), in the matter  
23 preceding subparagraph (A), by striking  
24 “may” and inserting “may, subject to dis-

1 approval under section 155 of the Trade  
2 Act of 1974,”; and

3 (ii) in subsection (b)(1), in the matter  
4 preceding subparagraph (A), by striking  
5 “and the consultation and layover require-  
6 ments of section 103(a)” and inserting “,  
7 the consultation and layover requirements  
8 of section 103(a), and disapproval under  
9 section 155 of the Trade Act of 1974,”.

10 (B) URUGUAY ROUND AGREEMENTS  
11 ACT.—Section 111 of the Uruguay Round  
12 Agreements Act (19 U.S.C. 3521) is amend-  
13 ed—

14 (i) in subsection (a), in the matter  
15 preceding paragraph (1), by inserting “and  
16 subject to disapproval under section 155 of  
17 the Trade Act of 1974” after “2902”;

18 (ii) in subsection (b), in the matter  
19 preceding paragraph (1), by inserting “and  
20 disapproval under section 155 of the Trade  
21 Act of 1974” after “section 115”;

22 (iii) in subsection (c)(1)(A), in the  
23 flush text at the end, by striking “may”  
24 and inserting “may, subject to disapproval

1 under section 155 of the Trade Act of  
2 1974,”; and

3 (iv) in subsection (e)(1), in the matter  
4 preceding subparagraph (A), by inserting  
5 “and disapproval under section 155 of the  
6 Trade Act of 1974” after “section 115”.

7 (C) UNITED STATES-ISRAEL FREE TRADE  
8 AREA IMPLEMENTATION ACT OF 1985.—Section  
9 4 of the United States-Israel Free Trade Area  
10 Implementation Act of 1985 (Public Law 99–  
11 47; 19 U.S.C. 2112 note) is amended—

12 (i) in subsection (a), in the matter  
13 preceding paragraph (1), by inserting “and  
14 subject to disapproval under section 155 of  
15 the Trade Act of 1974” after “subsection  
16 (c)”;

17 (ii) in subsection (b), in the matter  
18 preceding paragraph (1), by inserting “and  
19 subject to disapproval under section 155 of  
20 the Trade Act of 1974” after “subsection  
21 (c)”.

22 (D) UNITED STATES-JORDAN FREE TRADE  
23 AREA IMPLEMENTATION ACT.—Section 101 of  
24 the United States-Jordan Free Trade Area Im-

1            plementation Act (Public Law 107–43; 19  
2            U.S.C. 2112 note) is amended—

3                    (i) in subsection (a), in the matter  
4                    preceding paragraph (1), by striking  
5                    “may” and inserting “may, subject to dis-  
6                    approval under section 155 of the Trade  
7                    Act of 1974,”; and

8                    (ii) in subsection (b), in the matter  
9                    preceding paragraph (1), by striking  
10                    “may” and inserting “may, subject to dis-  
11                    approval under section 155 of the Trade  
12                    Act of 1974,”.

13            (E)     DOMINICAN     REPUBLIC-CENTRAL  
14            AMERICA-UNITED STATES FREE TRADE AGREE-  
15            MENT IMPLEMENTATION ACT.—Section 201 of  
16            the Dominican Republic-Central America-  
17            United States Free Trade Agreement Imple-  
18            mentation Act (19 U.S.C. 4031) is amended—

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

24                    (ii) in subsection (b), in the matter  
25                    preceding paragraph (1), by inserting “and

1           disapproval under section 155 of the Trade  
2           Act of 1974” after “section 104”.

3           (F) UNITED STATES-CHILE FREE TRADE  
4           AGREEMENT IMPLEMENTATION ACT.—Section  
5           201 of the United States-Chile Free Trade  
6           Agreement Implementation Act (Public Law  
7           108–77; 19 U.S.C. 3805 note) is amended—

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

13                  (ii) in subsection (b), in the matter  
14                  preceding paragraph (1), by inserting “and  
15                  disapproval under section 155 of the Trade  
16                  Act of 1974” after “section 103(a)”.

17           (G) UNITED STATES-SINGAPORE FREE  
18           TRADE AGREEMENT IMPLEMENTATION ACT.—  
19           Section 201 of the United States-Singapore  
20           Free Trade Agreement Implementation Act  
21           (Public Law 108–78; 19 U.S.C. 3805 note) is  
22           amended—

23                   (i) in subsection (a), in the matter  
24                   preceding paragraph (1), by striking  
25                   “may” and inserting “may, subject to dis-



1 approval under section 155 of the Trade  
2 Act of 1974,”; and

3 (ii) in subsection (b), in the matter  
4 preceding paragraph (1), by inserting “and  
5 disapproval under section 155 of the Trade  
6 Act of 1974” after “section 103(a)”.

7 (H) UNITED STATES-AUSTRALIA FREE  
8 TRADE AGREEMENT IMPLEMENTATION ACT.—  
9 Section 201 of the United States-Australia Free  
10 Trade Agreement Implementation Act (Public  
11 Law 108–286; 19 U.S.C. 3805 note) is amend-  
12 ed—

13 (i) in subsection (a), in the matter  
14 preceding paragraph (1), by striking  
15 “may” and inserting “may, subject to dis-  
16 approval under section 155 of the Trade  
17 Act of 1974,”; and

18 (ii) in subsection (b), in the matter  
19 preceding paragraph (1), by inserting “and  
20 disapproval under section 155 of the Trade  
21 Act of 1974” after “section 104”.

22 (I) UNITED STATES-MOROCCO FREE  
23 TRADE AGREEMENT IMPLEMENTATION ACT.—  
24 Section 201 of the United States-Morocco Free  
25 Trade Agreement Implementation Act (Public

1 Law 108–302; 19 U.S.C. 3805 note) is amend-  
2 ed—

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

8 (ii) in subsection (b), in the matter  
9 preceding paragraph (1), by inserting “and  
10 disapproval under section 155 of the Trade  
11 Act of 1974” after “section 104”.

12 (J) UNITED STATES-BAHRAIN FREE TRADE  
13 AGREEMENT IMPLEMENTATION ACT.—Section  
14 201 of the United States-Bahrain Free Trade  
15 Agreement Implementation Act (Public Law  
16 109–169; 19 U.S.C. 3805 note) is amended—

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

22 (ii) in subsection (b), in the matter  
23 preceding paragraph (1), by inserting “and  
24 disapproval under section 155 of the Trade  
25 Act of 1974” after “section 104”.

1 (K) UNITED STATES-OMAN FREE TRADE  
2 AGREEMENT IMPLEMENTATION ACT.—Section  
3 201 of the United States-Oman Free Trade  
4 Agreement Implementation Act (Public Law  
5 109–283; 19 U.S.C. 3805 note) is amended—

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

11 (ii) in subsection (b), in the matter  
12 preceding paragraph (1), by inserting “and  
13 disapproval under section 155 of the Trade  
14 Act of 1974” after “section 104”.

15 (L) UNITED STATES-PERU TRADE PRO-  
16 MOTION AGREEMENT IMPLEMENTATION ACT.—  
17 Section 201 of the United States-Peru Trade  
18 Promotion Agreement Implementation Act  
19 (Public Law 110–138; 19 U.S.C. 3805 note) is  
20 amended—

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

1 (ii) in subsection (b), in the matter  
2 preceding paragraph (1), by inserting “and  
3 disapproval under section 155 of the Trade  
4 Act of 1974” after “section 104”.

5 (M) UNITED STATES-KOREA FREE TRADE  
6 AGREEMENT IMPLEMENTATION ACT.—Section  
7 201 of the United States-Korea Free Trade  
8 Agreement Implementation Act (Public Law  
9 112–41; 19 U.S.C. 3805 note) is amended—

10 (i) in subsection (a), in the matter  
11 preceding paragraph (1), by striking  
12 “may” and inserting “may, subject to dis-  
13 approval under section 155 of the Trade  
14 Act of 1974,”; and

15 (ii) in subsection (b), in the matter  
16 preceding paragraph (1), by inserting “and  
17 disapproval under section 155 of the Trade  
18 Act of 1974” after “section 104”.

19 (N) UNITED STATES-COLOMBIA TRADE  
20 PROMOTION AGREEMENT IMPLEMENTATION  
21 ACT.—Section 201 of the United States-Colom-  
22 bia Trade Promotion Agreement Implementa-  
23 tion Act (Public Law 112–42; 19 U.S.C. 3805  
24 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 dis-  
4 approval under section 155 of the Trade  
5 Act of 1974,”; and

6 (ii) in subsection (b), in the matter  
7 preceding paragraph (1), by inserting “and  
8 disapproval under section 155 of the Trade  
9 Act of 1974” after “section 104”.

10 (O) UNITED STATES-PANAMA TRADE PRO-  
11 MOTION AGREEMENT IMPLEMENTATION ACT.—  
12 Section 201 of the United States-Panama  
13 Trade Promotion Agreement Implementation  
14 Act (Public Law 112–43; 19 U.S.C. 3805 note)  
15 is amended—

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

21 (ii) in subsection (b), in the matter  
22 preceding paragraph (1), by inserting “and  
23 disapproval under section 155 of the Trade  
24 Act of 1974” after “section 104”.

○