

115TH CONGRESS
1ST SESSION

S. 177

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

JANUARY 20, 2017

Mr. LEE 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 2017”.

6 **SEC. 2. CONGRESSIONAL REVIEW OF UNILATERAL TRADE**
7 **ACTIONS.**

8 (a) IN GENERAL.—Chapter 5 of title I of the Trade
9 Act of 1974 (19 U.S.C. 2191 et seq.) is amended by add-
10 ing at the end the following:

1 **“SEC. 155. CONGRESSIONAL REVIEW OF UNILATERAL**
2 **TRADE ACTIONS.**

3 “(a) UNILATERAL TRADE ACTION DEFINED.—

4 “(1) IN GENERAL.—In this section, the term
5 ‘unilateral trade action’ means any of the following
6 actions taken with respect to the importation of an
7 article pursuant to a provision of law specified in
8 paragraph (2):

9 “(A) A prohibition on importation of the
10 article.

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

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

15 “(D) The imposition or tightening of a
16 quantitative restriction on the importation of
17 the article.

18 “(E) The suspension, withdrawal, or pre-
19 vention of the application of trade agreement
20 concessions with respect to the article.

21 “(F) Any other restriction on importation
22 of the article.

23 “(2) PROVISIONS OF LAW SPECIFIED.—The
24 provisions of law specified in this paragraph are the
25 following:

26 “(A) Section 122.

1 “(B) Title III.

2 “(C) Sections 406, 421, and 422.

3 “(D) Section 338 of the Tariff Act of 1930
4 (19 U.S.C. 1338).

5 “(E) Section 232 of the Trade Expansion
6 Act of 1962 (19 U.S.C. 1862).

7 “(F) Section 103(a) of the Bipartisan Con-
8 gressional Trade Priorities and Accountability
9 Act of 2015 (19 U.S.C. 4202(a)).

10 “(G) The Trading with the Enemy Act (50
11 U.S.C. 4301 et seq.).

12 “(H) The International Emergency Eco-
13 nomic Powers Act (50 U.S.C. 1701 et seq.).

14 “(I) Any provision of law enacted to imple-
15 ment a trade agreement to which the United
16 States is a party.

17 “(3) EXCEPTION FOR TECHNICAL CORRECTIONS
18 TO HARMONIZED TARIFF SCHEDULE.—A technical
19 correction to the Harmonized Tariff Schedule of the
20 United States shall not be considered a unilateral
21 trade action for purposes of this section.

22 “(b) CONGRESSIONAL APPROVAL REQUIRED.—Ex-
23 cept as provided by subsection (d), a unilateral trade ac-
24 tion may not take effect unless—

1 “(1) the President submits to Congress and to
2 the Comptroller General of the United States a re-
3 port that includes—

4 “(A) a description of the proposed unilat-
5 eral trade action;

6 “(B) the proposed effective period for the
7 action;

8 “(C) an analysis of the action, including
9 whether the action is in the national economic
10 interest of the United States;

11 “(D) an assessment of the potential effect
12 of retaliation from trading partners affected by
13 the action; and

14 “(E) a list of articles that will be affected
15 by the action by subheading number of the
16 Harmonized Tariff Schedule of the United
17 States; and

18 “(2) a joint resolution of approval is enacted
19 pursuant to subsection (e).

20 “(c) REPORT OF COMPTROLLER GENERAL.—Not
21 later than 15 days after the submission of the report re-
22 quired by subsection (b)(1) with respect to a proposed uni-
23 lateral trade action, the Comptroller General shall submit
24 to Congress a report on the proposed action that includes
25 an assessment of the compliance of the President with the

1 provision of law specified in subsection (a)(2) pursuant to
 2 which the action would be taken.

3 “(d) TEMPORARY AUTHORITY.—Notwithstanding
 4 any other provision of this section, a unilateral trade ac-
 5 tion may take effect for one 90-calendar-day period (with-
 6 out renewal) if the President—

7 “(1) determines that is necessary for the unilat-
 8 eral trade action to take effect because the action
 9 is—

10 “(A) necessary because of a national emer-
 11 gency;

12 “(B) necessary because of an imminent
 13 threat to health or safety;

14 “(C) necessary for the enforcement of
 15 criminal laws; or

16 “(D) necessary for national security; and

17 “(2) submits written notice of the determina-
 18 tion to Congress.

19 “(e) PROCEDURES FOR JOINT RESOLUTION.—

20 “(1) JOINT RESOLUTION DEFINED.—For pur-
 21 poses of this subsection, the term ‘joint resolution’
 22 means only a joint resolution of either House of
 23 Congress, the matter after the resolving clause of
 24 which is as follows: ‘That Congress approves the ac-
 25 tion proposed by the President under section 155(b)

1 of the Trade Act of 1974 in the report submitted to
 2 Congress under that section on _____.’,
 3 with the blank space being filled with the appro-
 4 priate date.

5 “(2) INTRODUCTION.—After a House of Con-
 6 gress receives a report under subsection (b)(1) with
 7 respect to a unilateral trade action, the majority
 8 leader of that House (or his or her respective des-
 9 ignee) shall introduce (by request, if appropriate) a
 10 joint resolution—

11 “(A) in the case of the House of Rep-
 12 resentatives, within 3 legislative days; and

13 “(B) in the case of the Senate, within 3
 14 session days.

15 “(3) APPLICATION OF SECTION 152.—The pro-
 16 visions of subsections (b) through (f) of section 152
 17 shall apply to a joint resolution under this sub-
 18 section to the same extent those provisions apply to
 19 a resolution under section 152.

20 “(f) REPORT BY THE UNITED STATES INTER-
 21 NATIONAL TRADE COMMISSION.—Not later than 12
 22 months after the date of a unilateral trade action taken
 23 pursuant to this section, the United States International
 24 Trade Commission shall submit to the Committee on Fi-
 25 nance of the Senate and the Committee on Ways and

1 Means of the House of Representatives a report on the
 2 effects of the action on the United States economy, includ-
 3 ing a comprehensive assessment of the economic effects
 4 of the action on producers and consumers in the United
 5 States.”.

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

“Sec. 155. Congressional review of unilateral trade actions.”.

9 (c) CONFORMING AMENDMENTS.—

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

13 (A) in subsection (a), in the flush text fol-
 14 lowing paragraph (3), by inserting “and subject
 15 to approval under section 155” after “Con-
 16 gress)”;

17 (B) in subsection (c), in the flush text fol-
 18 lowing paragraph (2), by inserting “and subject
 19 to approval under section 155” after “Con-
 20 gress)”;

21 (C) in subsection (g), by inserting “and
 22 subject to approval under section 155” after
 23 “of this section”.

1 (2) RULES OF HOUSE AND SENATE.—Section
 2 151(a) of the Trade Act of 1974 (19 U.S.C.
 3 2191(a)) is amended—

4 (A) in the matter preceding paragraph (1),
 5 by striking “and 153” and inserting “, 153,
 6 and 155”; and

7 (B) in paragraph (1), by striking “and
 8 153(a)” and inserting “, 153(a), and 155(e)”.

9 (3) ENFORCEMENT OF RIGHTS UNDER TRADE
 10 AGREEMENTS.—Title III of the Trade Act of 1974
 11 (19 U.S.C. 2411 et seq.) is amended—

12 (A) in section 301—

13 (i) in subsection (a), in the flush text,
 14 by inserting “to approval under section
 15 155 and” after “subsection (c), subject”;
 16 and

17 (ii) in subsection (b)(2), by inserting
 18 “to approval under section 155 and” after
 19 “subsection (c), subject”;

20 (B) in section 305(a)(1), by inserting “to
 21 approval under section 155 and” after “section
 22 301, subject”; and

23 (C) in section 307(a)(1), in the matter pre-
 24 ceding subparagraph (A), by inserting “to ap-

1 proval under section 155 and” after “any ac-
2 tion, subject”.

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

5 (A) in subsection (b), in the matter pre-
6 ceding paragraph (1), by striking “With respect
7 to” and inserting “Subject to approval under
8 section 155, with respect to”; and

9 (B) in subsection (c), in the second sen-
10 tence, by striking “If the President” and insert-
11 ing “Subject to approval under section 155, if
12 the President”.

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

16 (A) in subsection (a), by inserting “and
17 subject to approval under section 155” after
18 “of this section”;

19 (B) in subsection (i)(4)(A), by inserting “,
20 subject to approval under section 155,” after
21 “provisional relief and”;

22 (C) in subsection (k)(1), by striking
23 “Within 15 days” and inserting “Subject to
24 section 155, within 15 days”;

1 (D) by striking subsection (m) and by re-
 2 designating subsections (n) and (o) as sub-
 3 sections (m) and (n), respectively;

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

6 (i) in paragraph (1), by striking “sub-
 7 section (m)” and inserting “this section”;
 8 and

9 (ii) in paragraph (2), by inserting
 10 “and subject to approval under section
 11 155” after “paragraph (1)”; and

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

15 (6) ACTION IN RESPONSE TO TRADE DIVER-
 16 SION.—Section 422(h) of the Trade Act of 1974 (19
 17 U.S.C. 2451a(h)) is amended by striking “Within 20
 18 days” and inserting “Subject to approval under sec-
 19 tion 155, within 20 days”.

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

23 (A) in subsection (a), in the matter pre-
 24 ceding paragraph (1), by inserting “, subject to

1 approval under section 155 of the Trade Act of
 2 1974,” after “by proclamation”;

3 (B) in subsection (b), by inserting “subject
 4 to approval under section 155 of the Trade Act
 5 of 1974 and” after “hereby authorized,”;

6 (C) in subsection (c), by striking “Any
 7 proclamation” and inserting “Subject to ap-
 8 proval under section 155 of the Trade Act of
 9 1974, any proclamation”;

10 (D) in subsection (d), by inserting “subject
 11 to approval under section 155 of the Trade Act
 12 of 1974 and” after “he shall,”; and

13 (E) in subsection (e), by inserting “subject
 14 to approval under section 155 of the Trade Act
 15 of 1974 and” after “he shall,”.

16 (8) SAFEGUARDING NATIONAL SECURITY.—Sec-
 17 tion 232(c)(1)(B) of the Trade Expansion Act of
 18 1962 (19 U.S.C. 1862(c)(1)(B)) is amended by in-
 19 serting “, subject to approval under section 155 of
 20 the Trade Act of 1974,” after “shall”.

21 (9) BIPARTISAN CONGRESSIONAL TRADE PRIOR-
 22 ITIES AND ACCOUNTABILITY ACT OF 2015.—Section
 23 103(a) of the Bipartisan Congressional Trade Prior-
 24 ities and Accountability Act of 2015 (19 U.S.C.
 25 4202(a)) is amended—

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

4 (B) in paragraph (7), by inserting “and
 5 approval under section 155 of the Trade Act of
 6 1974” after “3524”).

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

13 (11) TRADING WITH THE ENEMY ACT.—Section
 14 11 of the Trading with the Enemy Act (50 U.S.C.
 15 4311) is amended by striking “Whenever” and in-
 16 serting “Subject to approval under section 155 of
 17 the Trade Act of 1974, whenever”.

18 (12) FREE TRADE AGREEMENT IMPLEMENTING
 19 BILLS.—

20 (A) NORTH AMERICAN FREE TRADE
 21 AGREEMENT IMPLEMENTATION ACT.—Section
 22 201 of the North American Free Trade Agree-
 23 ment Implementation Act (19 U.S.C. 3331) is
 24 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)(1), in the matter
 7 preceding subparagraph (A), by striking
 8 “and the consultation and layover require-
 9 ments of section 103(a)” and inserting “,
 10 the consultation and layover requirements
 11 of section 103(a), and approval under sec-
 12 tion 155 of the Trade Act of 1974,”.

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

17 (i) in subsection (a), in the matter
 18 preceding paragraph (1), by inserting “and
 19 subject to approval under section 155 of
 20 the Trade Act of 1974” after “2902”);

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

1 (D) UNITED STATES-JORDAN FREE TRADE
2 AREA IMPLEMENTATION ACT.—Section 101 of
3 the United States-Jordan Free Trade Area Im-
4 plementation Act (Public Law 107–43; 19
5 U.S.C. 2112 note) is amended—

6 (i) in subsection (a), in the matter
7 preceding paragraph (1), 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), in the matter
12 preceding paragraph (1), by striking
13 “may” and inserting “may, subject to ap-
14 proval under section 155 of the Trade Act
15 of 1974,”.

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

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

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

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

7 (F) UNITED STATES-CHILE FREE TRADE
8 AGREEMENT IMPLEMENTATION ACT.—Section
9 201 of the United States-Chile Free Trade
10 Agreement Implementation Act (Public Law
11 108–77; 19 U.S.C. 3805 note) is amended—

12 (i) in subsection (a)(1), in the matter
13 preceding subparagraph (A), by striking
14 “may” and inserting “may, subject to ap-
15 proval under section 155 of the Trade Act
16 of 1974,”; and

17 (ii) in subsection (b), in the matter
18 preceding paragraph (1), by inserting “and
19 approval under section 155 of the Trade
20 Act of 1974” after “section 103(a)”.

21 (G) UNITED STATES-SINGAPORE FREE
22 TRADE AGREEMENT IMPLEMENTATION ACT.—
23 Section 201 of the United States-Singapore
24 Free Trade Agreement Implementation Act

(Public Law 108–78; 19 U.S.C. 3805 note) is amended—

(i) in subsection (a), in the matter preceding paragraph (1), 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 103(a)”.

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

(i) in subsection (a), in the matter preceding paragraph (1), 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

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

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

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 (J) UNITED STATES-BAHRAIN FREE TRADE
19 AGREEMENT IMPLEMENTATION ACT.—Section
20 201 of the United States-Bahrain Free Trade
21 Agreement Implementation Act (Public Law
22 109–169; 19 U.S.C. 3805 note) is amended—

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

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

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

7 (K) UNITED STATES-OMAN FREE TRADE
8 AGREEMENT IMPLEMENTATION ACT.—Section
9 201 of the United States-Oman Free Trade
10 Agreement Implementation Act (Public Law
11 109–283; 19 U.S.C. 3805 note) is amended—

12 (i) in subsection (a)(1), in the matter
13 preceding subparagraph (A), by striking
14 “may” and inserting “may, subject to ap-
15 proval under section 155 of the Trade Act
16 of 1974,”; and

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

21 (L) UNITED STATES-PERU TRADE PRO-
22 MOTION AGREEMENT IMPLEMENTATION ACT.—
23 Section 201 of the United States-Peru Trade
24 Promotion Agreement Implementation Act

(Public Law 110–138; 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”.

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

(i) in subsection (a), in the matter preceding paragraph (1), 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”.

(N) UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT.—Section 201 of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42; 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”.

(O) UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT.—Section 201 of the United States-Panama Trade Promotion Agreement Implementation Act (Public Law 112–43; 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 ap-

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

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

○