

117TH CONGRESS
1ST SESSION

S. 691

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

MARCH 10, 2021

Mr. LEE (for himself, Mr. MORAN, and Mr. PAUL) 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”.

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) Chapter 1 of title II.

2 “(C) Title III.

3 “(D) Section 406.

4 “(E) Section 338 of the Tariff Act of 1930
5 (19 U.S.C. 1338).

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

8 “(G) Section 103(a) of the Bipartisan
9 Congressional Trade Priorities and Account-
10 ability Act of 2015 (19 U.S.C. 4202(a)).

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

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

15 “(J) Any provision of law enacted to im-
16 plement a trade agreement to which the United
17 States is a party.

18 “(K) Any provision of a trade agreement
19 to which the United States is a party.

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

1 “(b) CONGRESSIONAL APPROVAL REQUIRED.—A
2 unilateral trade action may not take effect unless—

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

6 “(A) a description of the proposed unilat-
7 eral trade action;

8 “(B) the proposed effective period for the
9 action;

10 “(C) an economic cost-benefit analysis of
11 the action, including an assessment of—

12 “(i) whether the action is in the na-
13 tional economic interest of the United
14 States; and

15 “(ii) the macroeconomic effects of the
16 action on—

17 “(I) employment in the United
18 States;

19 “(II) the gross domestic product
20 of the United States; and

21 “(III) revenues and expenditures
22 of the Federal Government; and

23 “(D) a list of articles that will be affected
24 by the action by subheading number of the

1 Harmonized Tariff Schedule of the United
2 States; and

3 “(2) a joint resolution of approval is enacted
4 pursuant to subsection (d) with respect to the ac-
5 tion.

6 “(c) REPORT OF COMPTROLLER GENERAL.—Not
7 later than 30 days after the submission of the report re-
8 quired by subsection (b)(1) with respect to a proposed uni-
9 lateral trade action, the Comptroller General shall submit
10 to Congress a report on the proposed action that includes
11 an assessment of the compliance of the President with the
12 provision of law specified in subsection (a)(2) pursuant to
13 which the action would be taken.

14 “(d) PROCEDURES FOR JOINT RESOLUTION OF AP-
15 PROVAL.—

16 “(1) JOINT RESOLUTION OF APPROVAL DE-
17 FINED.—For purposes of this subsection, the term
18 ‘joint resolution of approval’ means a joint resolution
19 of either House of Congress that—

20 “(A) states that Congress approves an ac-
21 tion proposed by the President in a report sub-
22 mitted under subsection (b)(1); and

23 “(B) describes the action being approved
24 by Congress.

1 “(2) INTRODUCTION.—During the period of 45
2 days after a House of Congress receives a report
3 under subsection (b)(1) with respect to a unilateral
4 trade action, a joint resolution of approval may be
5 introduced by any Member of that House.

6 “(3) COMMITTEE CONSIDERATION.—

7 “(A) REFERRAL.—A joint resolution of ap-
8 proval introduced in the House of Representa-
9 tives shall be referred to the Committee on
10 Ways and Means and a joint resolution of ap-
11 proval introduced in the Senate shall be re-
12 ferred to the Committee on Finance.

13 “(B) CONSIDERATION.—The Committee on
14 Ways and Means and the Committee on Fi-
15 nance may, in considering a joint resolution of
16 approval, hold such hearings and meetings and
17 solicit such testimony as the Committee con-
18 siders appropriate.

19 “(C) REPORTING.—

20 “(i) IN GENERAL.—Subject to sub-
21 paragraph (D), the Committee on Ways
22 and Means and the Committee on Finance
23 may, at any time after receiving a joint
24 resolution of approval, report the resolu-
25 tion favorably or unfavorably.

1 “(ii) SUBSEQUENT RESOLUTIONS.—If
2 a subsequent joint resolution of approval
3 relating to the same unilateral trade action
4 proposed in the same report submitted
5 under subsection (b)(1) is referred to the
6 Committee on Ways and Means or the
7 Committee on Finance after the first such
8 resolution is reported or discharged, the
9 subsequent resolution shall not be reported
10 under this subparagraph.

11 “(iii) PLACEMENT ON CALENDAR.—A
12 joint resolution of approval reported by the
13 Committee on Ways and Means or the
14 Committee on Finance shall lie over one
15 legislative day and then be placed on the
16 appropriate calendar.

17 “(D) DISCHARGE.—

18 “(i) IN GENERAL.—If the Committee
19 on Ways and Means or the Committee on
20 Finance has not reported a joint resolution
21 of approval by the date that is 15 days
22 after the resolution is referred to the com-
23 mittee, the resolution shall be automati-
24 cally discharged from the committee and
25 placed on the appropriate calendar.

1 “(ii) PROHIBITION ON MOTIONS TO
2 RECOMMIT.—A motion to recommit a joint
3 resolution of approval shall not be in order.

4 “(iii) SUBSEQUENT RESOLUTIONS.—If
5 a subsequent joint resolution of approval
6 relating to the same unilateral trade action
7 proposed in the same report submitted
8 under subsection (b)(1) is referred to the
9 Committee on Ways and Means or the
10 Committee on Finance after the first such
11 resolution is reported or discharged, the
12 subsequent resolution shall not be dis-
13 charged under this subparagraph.

14 “(4) FLOOR CONSIDERATION IN SENATE.—In
15 the Senate:

16 “(A) MOTION TO PROCEED.—

17 “(i) TIMING.—A motion to proceed to
18 a joint resolution of approval is in order at
19 any time after the resolution is placed on
20 the calendar.

21 “(ii) MOTION BY ANY SENATOR.—Any
22 Senator may move to proceed to a joint
23 resolution of approval.

24 “(iii) PRIVILEGE.—A motion to pro-
25 ceed to the consideration of the joint reso-

1 lution of approval is privileged, except that
2 this clause shall apply only to a motion to
3 proceed to a joint resolution of approval
4 reported or discharged from the Committee
5 on Finance under paragraph (3) or to the
6 first joint resolution of approval placed on
7 the calendar after passage in the House of
8 Representatives.

9 “(iv) DEBATE.—Debate on a motion
10 to proceed to a joint resolution of approval
11 is limited to not more than 5 hours, equal-
12 ly divided between Senators favoring and
13 Senators opposing the resolution.

14 “(v) MOTION NOT AMENDABLE.—The
15 motion to proceed to the joint resolution of
16 approval is not amendable. A motion to re-
17 consider is not in order. A motion to table
18 is not in order.

19 “(vi) OTHER MOTIONS NOT IN
20 ORDER.—After a motion to proceed to a
21 joint resolution of approval is agreed to,
22 motions to postpone or to consider other
23 business are not in order.

24 “(B) MOTIONS AND APPEALS.—All mo-
25 tions and appeals relating to a joint resolution

1 of approval shall be decided by the Senate with-
2 out debate.

3 “(5) CONSIDERATION IN HOUSE OF REP-
4 RESENTATIVES.—In the House of Representatives, if
5 any committee to which a joint resolution of ap-
6 proval has been referred has not reported it to the
7 House at the end of 10 calendar days after its intro-
8 duction, such committee shall be discharged from
9 further consideration of the joint resolution, and it
10 shall be placed on the appropriate calendar. On
11 Thursdays it shall be in order at any time for the
12 Speaker to recognize a Member who favors passage
13 of a joint resolution that has appeared on the cal-
14 endar for at least 3 calendar days to call up that
15 joint resolution for immediate consideration in the
16 House without intervention of any point of order.
17 When so called up, a joint resolution shall be consid-
18 ered as read and shall be debatable for 1 hour equal-
19 ly divided and controlled by the proponent and an
20 opponent, and the previous question shall be consid-
21 ered as ordered to its passage without intervening
22 motion. It shall not be in order to reconsider the
23 vote on passage. If a vote on final passage of the
24 joint resolution has not been taken on or before the
25 close of the 10th calendar day after the resolution

1 is reported by the committee or committees to which
2 it was referred, or after such committee or commit-
3 tees have been discharged from further consideration
4 of the resolution, such vote shall be taken on that
5 day.

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

10 “(A) the joint resolution of the other
11 House shall not be referred to a committee and
12 shall be deemed to have been discharged from
13 committee on the day it is received; and

14 “(B) the procedures set forth in paragraph
15 (4) or (5), as applicable, shall apply in the re-
16 ceiving House to the joint resolution received
17 from the other House to the same extent as
18 such procedures apply to a joint resolution of
19 the receiving House.

20 “(7) RULES OF HOUSE OF REPRESENTATIVES
21 AND SENATE.—This subsection is enacted by Con-
22 gress—

23 “(A) as an exercise of the rulemaking
24 power of the House of Representatives and the
25 Senate, respectively, and as such is deemed a

1 part of the rules of each House, respectively,
2 and the rules provided for in this section super-
3 sede other rules only to the extent that they are
4 inconsistent with such other rules; and

5 “(B) with the full recognition of the con-
6 stitutional right of either House to change the
7 rules provided for in this section (so far as re-
8 lating to the procedures of that House) at any
9 time, in the same manner, and to the same ex-
10 tent as any other rule of that House.

11 “(e) REPORT BY THE UNITED STATES INTER-
12 NATIONAL TRADE COMMISSION.—Not later than 12
13 months after the date of a unilateral trade action taken
14 pursuant to this section, the United States International
15 Trade Commission shall submit to Congress a report on
16 the effects of the action on the United States economy,
17 including a comprehensive assessment of the economic ef-
18 fects of the action on producers and consumers in the
19 United States.”.

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

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

○