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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

To authorize the President to take certain actions relating to reciprocal trade, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. MOORE of West Virginia introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To authorize the President to take certain actions relating to reciprocal trade, 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 “United States Recip-  
5 rocal Trade Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States maintains an open mar-  
9 ket for goods, with relatively low tariffs, and has

1 long encouraged trading partners, both bilaterally  
2 and in multilateral fora, to liberalize their markets.

3 (2) The United States is the world's largest im-  
4 porter of goods.

5 (3) Trading partners of the United States in  
6 many instances impose significantly higher tariffs on  
7 United States goods than the United States imposes  
8 on the same or similar goods imported from those  
9 same countries.

10 (4) Europeans have continued to protect their  
11 auto markets from United States automotive compa-  
12 nies through high tariffs while dumping cheap Euro-  
13 pean cars into the United States, undermining our  
14 automotive industry.

15 (5) Canadian and Mexican authorities have  
16 flooded American markets with cheap goods while si-  
17 multaneously allowing for illegal migrants and poi-  
18 sonous fentanyl to pour into the United States.

19 (6) United States trading partners in many in-  
20 stances impose significant nontariff barriers that  
21 greatly undermine the value of negotiated tariff con-  
22 cessions.

23 (7) The lack of reciprocity in tariff levels and  
24 disproportionate use of nontariff barriers by United  
25 States trading partners facilitates foreign imports,

1 discourages United States exports, and puts United  
2 States producers, farmers, and workers at a com-  
3 petitive disadvantage.

4 (8) The lack of reciprocity in tariff levels and  
5 nontariff barriers contributes to the large and grow-  
6 ing United States trade deficit in goods, which is a  
7 drag on economic growth and undermines economic  
8 prosperity.

9 (9) Tariffs under the Trump presidency sub-  
10 stantially shrank the trade deficit with China.

11 (10) The President must be able to levy tariffs  
12 on our global competitors. Preferential treatment of  
13 adversaries, such as China's Most Favored Nation  
14 trading status, undermines American national secu-  
15 rity interests domestically and around the world.

16 (11) To date a number of United States trad-  
17 ing partners have been unwilling, including in multi-  
18 lateral negotiations, to reduce tariffs and eliminate  
19 nontariff barriers applied to United States exports.

20 (12) The United States should seek action by  
21 United States trading partners to lower tariffs and  
22 eliminate nontariff barriers, to promote efficiency in  
23 those markets and enhance opportunities for United  
24 States producers, farmers, and workers.

1           (13) For the United States to maintain its eco-  
2           nomic dominance globally, the President must have  
3           the authority to levy reciprocal tariffs against unfair  
4           trading partners.

5           (14) The President should have a wide array of  
6           tools to open the markets of United States trading  
7           partners and encourage participation in negotiations  
8           to liberalize trade in goods on a fair and reciprocal  
9           basis, including the authority to adjust tariff rates  
10          to reciprocal levels.

11 **SEC. 3. AUTHORITY TO TAKE CERTAIN ACTIONS RELATING**  
12 **TO RECIPROCAL TRADE.**

13          (a) IN GENERAL.—If the President determines  
14 that—

15           (1) the rate of duty imposed by a foreign coun-  
16           try with respect to a particular good, when imported  
17           from the United States, is significantly higher than  
18           the rate of duty imposed by the United States on  
19           that good, when imported from that country, or

20           (2) the nontariff barriers applied by a foreign  
21           country with respect to a particular good, when im-  
22           ported from the United States, impose significantly  
23           higher burdens, alone or in combination with any  
24           tariffs imposed by that country on that good, than  
25           the burdens of the nontariff barriers applied by the

1 United States with respect to that good, alone or in  
2 combination with any tariffs imposed by the United  
3 States on that good, when imported from that coun-  
4 try,  
5 the President may take one or more of the actions author-  
6 ized under subsection (b).

7 (b) ACTIONS AUTHORIZED.—The actions authorized  
8 under this subsection are the following:

9 (1) To negotiate and seek to enter into an  
10 agreement with the foreign country that commits the  
11 country to reduce the rate of duty or reduce or  
12 eliminate nontariff barriers on the good that is the  
13 subject of the determination under subsection (a).

14 (2) To impose a rate of duty on imports of the  
15 good that is equal to—

16 (A) the rate of duty imposed by the foreign  
17 country with respect to the good, in the case of  
18 a determination described in subsection (a)(1);  
19 or

20 (B) the effective rate of duty of the non-  
21 tariff barriers applied by the foreign country  
22 with respect to the good, alone or in combina-  
23 tion with any tariffs imposed by that country  
24 on that good, in the case of a determination de-  
25 scribed in subsection (a)(2).

1 (c) FACTORS.—In taking an action authorized under  
2 subsection (b), the President shall consider the following  
3 factors:

4 (1) The tariff classification of the good by the  
5 United States and the tariff classification of the  
6 good by the foreign country.

7 (2) The rate of duty applied by the United  
8 States with respect to the good and the rate of duty  
9 applied by the foreign country with respect to the  
10 good.

11 (3) The physical characteristics of the good.

12 (4) The end uses and existence of a competitive  
13 relationship between the good—

14 (A) as exported from the United States to  
15 the foreign country; and

16 (B) as imported from the country to the  
17 United States.

18 (5) The level of exports of the good by the  
19 country to the United States and to other countries.

20 (6) In the case of a determination described in  
21 subsection (a)(1), the extent to which the rate of  
22 duty applied by the foreign country with respect to  
23 the good is impeding or distorting trade.

24 (7) In the case of a determination described in  
25 subsection (a)(2)—

1 (A) the extent of the nontariff barriers ap-  
2 plied by the foreign country with respect to the  
3 good and the extent of the nontariff barriers  
4 applied by the United States with respect to the  
5 good;

6 (B) the extent to which the nontariff bar-  
7 riers applied by the country with respect to the  
8 good, alone or in combination with any tariffs  
9 imposed by that country on that good, are im-  
10 peding or distorting trade;

11 (C) the identified purpose of the nontariff  
12 barriers applied by the country with respect to  
13 the good, if any, and the extent to which the  
14 nontariff barriers are more restrictive than nec-  
15 essary to meet that purpose; and

16 (D) the degree of transparency of the proc-  
17 ess by which the country adopted the nontariff  
18 barriers.

19 (8) Other factors, as the President determines  
20 appropriate.

21 (d) ROLE OF USTR.—The United States Trade Rep-  
22 resentative, in consultation with the Secretary of Treas-  
23 ury, the Secretary of Commerce, and the heads of other  
24 relevant Federal agencies, shall advise the President in de-  
25 termining the effective rate of duty imposed by the non-

1 tariff barriers applied by a foreign country with respect  
2 to a good, alone or in combination with any tariffs imposed  
3 by that country on that good, in the case of a determina-  
4 tion described in subsection (a)(2).

5 (e) LOWER RATE OF DUTY.—The President may im-  
6 pose a rate of duty on imports of a good from a foreign  
7 country that is lower than the rate of duty described in  
8 subsection (b)(2)(A) or lower than the effective rate of  
9 duty described in subsection (b)(2)(B), as the case may  
10 be, if the President determines that application of such  
11 lower rate of duty is necessary and appropriate.

12 (f) HIGHER RATE OF DUTY.—If the President im-  
13 poses a rate of duty on imports of a good from a foreign  
14 country under subsection (b)(2), and the country further  
15 increases its rate of duty on imports of the good from the  
16 United States, the President may further increase the rate  
17 of duty on imports of the good from the country to a rate  
18 that is equal to the rate of duty applied by that country.

19 (g) TERMINATION.—The President shall terminate  
20 the imposition of any increase in the rate of duty on im-  
21 ports of a good from a foreign country under subsection  
22 (b)(2) effective on the date on which the President deter-  
23 mines that—

24 (1) the foreign country is no longer—



1 (A) imposing a rate of duty with respect to  
2 the good, as described in subsection (a)(1); or

3 (B) applying nontariff barriers with re-  
4 spect to the good, as described in subsection  
5 (a)(2); or

6 (2) continued imposition of the increased rate  
7 of duty on imports of the good from the foreign  
8 country is not in the economic or public interest of  
9 the United States.

10 **SEC. 4. NOTICE AND CONSULTATION.**

11 (a) IN GENERAL.—Before taking any action author-  
12 ized under section 3(b)(1), the President shall provide no-  
13 tice to and consult with the Committee on Ways and  
14 Means of the House of Representatives and the Committee  
15 on Finance of the Senate regarding the proposed action.

16 (b) NOTICE.—Before taking any action authorized  
17 under section 3(b)(2), the President shall—

18 (1) not less than 30 days before the date on  
19 which imposition of an increased rate of duty on im-  
20 ports of a good from a foreign country is to take ef-  
21 fect, publish notice in the Federal Register of, and  
22 allow for public comment on, the proposed imposi-  
23 tion and level of such increased rate of duty; and

24 (2) seek advice regarding the proposed action  
25 from the advisory committees established under sec-

1       tion 135 of the Trade Act of 1974 (19 U.S.C.  
2       2155).

3       (c) ADDITIONAL NOTICE.—The President shall  
4 promptly publish in the Federal Register notice of any ac-  
5 tion taken pursuant to section 3(f) or 3(g).

6 **SEC. 5. CONGRESSIONAL DISAPPROVAL OF PRESIDENTIAL**  
7                   **IMPOSITION OF RATES OF DUTY ON IMPORTS**  
8                   **OF GOODS FROM FOREIGN COUNTRIES**  
9                   **UNDER SECTION 3(b)(2); DISAPPROVAL RESO-**  
10                   **LUTION.**

11       (a) IN GENERAL.—An action taken by the President  
12 under section 3(b)(2) to impose a rate of duty on imports  
13 of a good from a foreign country shall cease to have force  
14 and effect upon the enactment of a disapproval resolution,  
15 provided for in subsection (b), relating to that action.

16       (b) CONGRESSIONAL RULEMAKING POWER; DIS-  
17 APPROVAL RESOLUTION.—

18           (1) IN GENERAL.—This section is enacted by  
19 the Congress—

20                   (A) as an exercise of the rulemaking power  
21 of the House of Representatives and the Sen-  
22 ate, respectively, and as such is deemed a part  
23 of the rules of each House, respectively, but ap-  
24 plicable only with respect to the procedures to  
25 be followed in that House in the case of dis-

1 approval resolutions and such procedures super-  
2 sede other rules only to the extent that they are  
3 inconsistent therewith; and

4 (B) with the full recognition of the con-  
5 stitutional right of either House to change the  
6 rules (so far as relating to the procedure of that  
7 House) at any time, in the same manner, and  
8 to the same extent as any other rule of that  
9 House.

10 (2) DISAPPROVAL RESOLUTION.—For purposes  
11 of this section, the term “disapproval resolution”  
12 means only a joint resolution of either House of  
13 Congress the matter after the resolving clause of  
14 which is as follows: “That the Congress disapproves  
15 the action taken under section 3(b)(2) of the United  
16 States Reciprocal Trade Act with respect to the im-  
17 position of a rate of duty on imports of \_\_\_\_ from  
18 \_\_\_\_ under such section 3(b)(2).”, the first blank  
19 space being filled with a description of the good with  
20 respect to which the duty is imposed under section  
21 3(b)(2) and the second blank being filled with the  
22 name of the foreign country from which the good is  
23 imported into the United States.

24 (3) CONSIDERATION.—

1 (A) INTRODUCTION.—All disapproval reso-  
2 lutions introduced in the House of Representa-  
3 tives shall be referred to the Committee on  
4 Ways and Means and all disapproval resolutions  
5 introduced in the Senate shall be referred to the  
6 Committee on Finance.

7 (B) AMENDMENTS PROHIBITED; MOTIONS  
8 TO SUSPEND APPLICATION OF THIS SUBPARA-  
9 GRAPH PROHIBITED.—No amendment to a dis-  
10 approval resolution shall be in order in either  
11 the House of Representatives or the Senate,  
12 and no motion to suspend the application of  
13 this subparagraph shall be in order in either  
14 House nor shall it be in order in either House  
15 for the Presiding Officer to entertain a request  
16 to suspend the application of this subparagraph  
17 by unanimous consent.

18 (C) MAJORITY REQUIRED FOR ADOPT-  
19 ION.—A disapproval resolution considered  
20 under this subsection shall require an affirma-  
21 tive vote of two-thirds of the Members, duly  
22 chosen and sworn, for adoption.

23 **SEC. 6. REPORT.**

24 Before entering into an agreement with a foreign  
25 country under section 3(b)(1), the United States Trade

1 Representative shall submit to the appropriate congress-  
2 sional committees and leadership a report that describes—

3 (1) the implementation of the agreement, in-  
4 cluding how it is consistent with and does not mate-  
5 rially differ from or otherwise affect Federal or  
6 State laws or regulations;

7 (2) the impact on the competitiveness of United  
8 States businesses; and

9 (3) the impact on United States consumers.

10 **SEC. 7. SUNSET OF PRESIDENTIAL IMPOSITION OF RATES**  
11 **OF DUTY ON IMPORTS OF GOODS FROM FOR-**  
12 **EIGN COUNTRIES UNDER SECTION 3(b)(2) BY**  
13 **DISAPPROVAL RESOLUTION.**

14 (a) IN GENERAL.—The authority of the President to  
15 take an action under section 3(b)(2) to impose a rate of  
16 duty on imports of a good from a foreign country—

17 (1) shall be effective for the period ending on  
18 the date that is three years after the date of the en-  
19 actment of this Act; and

20 (2) shall be extended for an additional period of  
21 three years if (and only if)—

22 (A) the President requests such extension  
23 under subsection (b); and

24 (B) a disapproval resolution is not enacted  
25 into law as provided for under subsection (c).

1           (b) REPORT TO CONGRESS.—If the President is of  
2 the opinion that the authority of the President to take an  
3 action under section 3(b)(2) to impose a rate of duty on  
4 imports of a good from a foreign country should be ex-  
5 tended for the additional period described in subsection  
6 (a)(2), the President shall submit to Congress, not later  
7 than the date that is three months before the end of the  
8 period described in subsection (a)(1), a written report that  
9 contains a request for such extension, together with a de-  
10 scription of all actions taken under section 3(b)(2) to date.

11           (c) DISAPPROVAL RESOLUTION.—

12                 (1) CONGRESSIONAL RULEMAKING POWER.—

13           This section is enacted by the Congress—

14                         (A) as an exercise of the rulemaking power  
15                         of the House of Representatives and the Sen-  
16                         ate, respectively, and as such is deemed a part  
17                         of the rules of each House, respectively, but ap-  
18                         plicable only with respect to the procedures to  
19                         be followed in that House in the case of dis-  
20                         approval resolutions and such procedures super-  
21                         sede other rules only to the extent that they are  
22                         inconsistent therewith; and

23                         (B) with the full recognition of the con-  
24                         stitutional right of either House to change the  
25                         rules (so far as relating to the procedure of that

1           House) at any time, in the same manner, and  
2           to the same extent as any other rule of that  
3           House.

4           (2) DISAPPROVAL RESOLUTION.—For purposes  
5           of subsection (a), the term “disapproval 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 the Congress disapproves  
9           the request of the President for the extension, under  
10          section 7(a)(2)(A) of the United States Reciprocal  
11          Trade Act, of the authority of the President to take  
12          an action under section 3(b)(2) of such Act to im-  
13          pose a rate of duty on imports of a good from a for-  
14          eign country after the period ending on the date that  
15          is three years after the date of the enactment of  
16          such Act.”.

17          (3) INTRODUCTION; REFERRAL.—A disapproval  
18          resolution—

19                 (A) may be introduced in either House of  
20                 Congress by any member of such House; and

21                 (B) shall be referred, in the House of Rep-  
22                 resentatives, to the Committee on Ways and  
23                 Means and, in addition, to the Committee on  
24                 Rules.

1           (4) FLOOR CONSIDERATION.—The provisions of  
2           subsections (d) and (e) of section 152 of the Trade  
3           Act of 1974 (19 U.S.C. 2192) (relating to the floor  
4           consideration of certain resolutions in the House and  
5           Senate) apply to a disapproval resolution.

6           (5) LIMITATIONS ON CONSIDERATION.—It is  
7           not in order for—

8                   (A) the House of Representatives to con-  
9                   sider any disapproval resolution not reported by  
10                  the Committee on Ways and Means and, in ad-  
11                  dition, by the Committee on Rules;

12                   (B) the Senate to consider any disapproval  
13                  resolution not reported by the Committee on Fi-  
14                  nance; or

15                   (C) either House of Congress to consider a  
16                  disapproval resolution after the date that is  
17                  three years after the date of the enactment of  
18                  this Act.

19           (d) RULES OF CONSTRUCTION.—

20                   (1) IN GENERAL.—An action authorized under  
21                  section 3(b)(2) to impose a rate of duty on imports  
22                  of a good from a foreign country that is taken before  
23                  the end of the period described in subsection (a)(1)  
24                  or the end of the period described in subsection



1 (a)(2) shall remain in effect after the end of such re-  
2 spective period.

3 (2) ADDITIONAL AUTHORITIES.—The President  
4 may exercise the authorities of subsections (e), (f),  
5 and (g) of section 3 with respect to an action de-  
6 scribed in paragraph (1) after the end of the period  
7 described in such paragraph that is applicable to  
8 such action.

9 **SEC. 8. DEFINITIONS.**

10 In this Act:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
12 TEES AND LEADERSHIP.—The term “appropriate  
13 congressional committees and leadership” means—

14 (A) the Committee on Ways and Means of  
15 the House of Representatives and the Com-  
16 mittee on Finance of the Senate; and

17 (B) the Speaker of the House of Rep-  
18 resentatives, the minority leader of the House  
19 of Representatives, the majority leader of the  
20 Senate, and the minority leader of the Senate.

21 (2) NONTARIFF BARRIER.—The term “nontariff  
22 barrier” includes any government-imposed measure  
23 or policy, other than a customs duty, that restricts,  
24 prevents, or impedes international trade in goods, in-  
25 cluding import policies, sanitary and phytosanitary

1 measures, technical barriers to trade, government  
2 procurement, export subsidies, lack of intellectual  
3 property protection, digital trade barriers, and gov-  
4 ernment-tolerated anticompetitive conduct of state-  
5 owned or private firms.

6 (3) RATE OF DUTY.—The term “rate of duty”  
7 means the rate of customs duty applied on imports  
8 of a good, but does not include an antidumping or  
9 countervailing duty or a duty applied under a pref-  
10 erential tariff arrangement.