

The Promoting Responsible and Free Trade Act of 2018

Current Law

Currently, under Sections 201, 301 and 232, the President has the unilateral authority to impose a tariff. Before a tariff may be imposed, the Commerce Department, U.S. Trade Representative or International Trade Commission must issue a report on the tariff's effects and justification. The President still has the right to impose a tariff without any Congressional oversight or approval.

Bill Details

The Promoting Responsible and Free Trade Act gives Congress the ability to weigh in on any tariff before it is implemented, including holding hearings, requesting more data, and the power to approve or deny the report:

- Section 201: The ITC will be required to send its report to Congress for a maximum review period of 60 days. Congress will be given the power to pass a joint resolution of disapproval within the 60-day window to stop the tariff's implementation.
- Section 301: The USTR will be required to send its report, including a proposed action, to Congress for a maximum review period of 60 days. Congress will be given the power to pass a joint resolution of disapproval within the 60-day window to stop the tariff from being implemented.
- Section 232: The amended process to implement a tariff under Section 232 will both ensure the Defense Department reviews any national security implications, and Congress has a role in the approval process.
 - The Defense Department will be required to submit its report on national security implications to the President.
 - If the President determines a tariff is necessary, the Commerce Department would be required to send a report to Congress on tariff-level recommendations.
 - Congress will have a maximum of 60 days to approve the tariff report. If approved, the tariff report will go to the President for final approval and implementation.
 - There is a 2-year retroactivity period for Section 232 tariffs due to national security implications. This allows Congress to review any existing Section 232 tariffs.