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A Week of Trade: Congress Advances Numerous Trade Bills

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This past week saw more congressional activity on trade legislation than has been seen in some time. Both houses of US Congress marked up and advanced badly needed and long-overdue legislation in a number of areas relevant to the trade community. Among the bills that were marked up or passed by US House of Representatives and Senate committees are the following:

- The Bipartisan Congressional Trade Priorities and Accountability Act of 2015, which provides for the renewal of Trade Promotion Authority (TPA)—otherwise known as the “fast track” process to implement multilateral trade agreements. (S. 995 and H.R. 1890).
- Separate customs reauthorization bills were advanced by the House Committee on Ways & Means (H.R. 1907) and the Senate Committee on Finance (S. 1015). These bills address a number of ongoing issues in the trade community. Included in the two bills are provisions concerning, among other items, eliminating duties on bulk cargo residue, revising and simplifying the drawback procedure, and amending the process for obtaining special duty treatment on specific articles through a Miscellaneous Tariff Bill.

The House and Senate bills contain several differences in their approach to trade enforcement and facilitation, most notably concerning the development of a process for investigating allegations of evasion of antidumping and countervailing duties. Should these bills pass their respective chambers, their differences will need to be reconciled through a joint conference before the legislation will reach the president’s desk.

- Bills authorizing the renewal of the Generalized System of Preferences (GSP)—which expired in July 2013—and the African Growth and Opportunity Act (AGOA) were advanced. Under current language, the GSP renewal appears to be renewed retroactively, which means that importers who kept track of their GSP-eligible goods during the interim period could seek refunds of duties on unliquidated entries of such goods. Questions remain as to the scope of that retroactive application, or whether it would go so far as to cover entries that have already liquidated. (S. 1009 and H.R. 1891).
- A bill extending the Trade Adjustment Assistance (TAA) program, which provides certain benefits and opportunities for US workers who have lost their jobs as a result of foreign trade, was advanced in the House. TAA for workers had last expired at the end of 2014. (H.R. 1892) A similar bill was introduced in the Senate and is currently before the Senate Committee on Finance.

If you have any questions about the current status or content of any of these trade bills, please do not hesitate to reach out to one of the Katten [Customs and International Trade](#) attorneys below:

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All of these bills have yet to be voted on by the full House and Senate floors, and some may require reconciliation between the houses before they would be signed into law. That said, these trade bills have started to overcome much of the inertia that has plagued the last few congressional sessions. If you or your company would be affected by any of these trade bills, this also represents a perfect time to contact your senator or representative and express your opinion in support of or opposition to these bills.

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