

118TH CONGRESS  
2D SESSION

# H. R. 8482

To deter conflict in the Taiwan Strait by establishing conditions for suspending normal trade relations with the People’s Republic of China, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2024

Mr. MOORE of Utah introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To deter conflict in the Taiwan Strait by establishing conditions for suspending normal trade relations with the People’s Republic of China, 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 “Deterring Escalation  
5 Through Economic Retaliation Act of 2024” or the  
6 “DETER Act of 2024”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) The People’s Republic of China has enjoyed  
5 normal trade relations with the United States since  
6 its approval to join the World Trade Organization  
7 on November 10, 2001, and formal accession on De-  
8 cember 10, 2001.

9 (2) The aggression of the People’s Republic of  
10 China toward Taiwan has increased in recent years,  
11 as incursions into Taiwan’s Air Defense Identifica-  
12 tion Zone by aircraft of the People’s Liberation  
13 Army increased 178 percent from 2021 to 2022.

14 (3) The economic coercion of the People’s Re-  
15 public of China toward Taiwan has also increased in  
16 recent years, as the People’s Republic of China has  
17 banned importing more than 2,000 food products  
18 from Taiwan since August 2022.

19 (4) The United States has a long-standing com-  
20 mitment to Taiwan’s security and stability of cross-  
21 strait relations, as outlined in the Six Assurances,  
22 the three United States-People’s Republic of China  
23 Joint Communiques, and the Taiwan Relations Act  
24 (22 U.S.C. 3301 et seq.).

25 (5) In response to the unprovoked invasion of  
26 Ukraine by the Russian Federation, the United

1 States revoked nondiscriminatory treatment for im-  
2 ports from the Russian Federation and Belarus on  
3 April 8, 2022.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-  
5 gress that—

6 (1) the United States has a strong interest in  
7 deterring the People’s Republic of China from invad-  
8 ing and seizing control of Taiwan and should employ  
9 economic levers of influence to promote and preserve  
10 a free and open Indo-Pacific, including prevention of  
11 aggression by the People’s Republic of China toward  
12 Taiwan;

13 (2) aggression by the People’s Republic of  
14 China toward Taiwan would be a violation of inter-  
15 national norms and inconsistent with standards of  
16 conduct required for countries enjoying the privilege  
17 of normal trade relations with the United States;  
18 and

19 (3) the People’s Republic of China’s policies  
20 violate its obligations under the Protocol on the Ac-  
21 cession of the People’s Republic of China, including  
22 nonmarket practices, intellectual property theft, use  
23 of forced labor, and civil-military fusion.

1 **SEC. 3. ANNUAL CERTIFICATION REGARDING MILITARY**  
2 **FORCE AGAINST TAIWAN BY THE PEOPLE'S**  
3 **REPUBLIC OF CHINA.**

4 (a) IN GENERAL.—Not later than 60 days after the  
5 date of the enactment of this Act, and annually thereafter,  
6 the President shall submit to the appropriate congress-  
7 sional committees a report that includes a certification  
8 concerning whether any entity of the People's Republic of  
9 China, including the People's Liberation Army, engaged  
10 in an act that violated the sovereignty or territorial integ-  
11 rity of Taiwan, such as an act of sustained economic coer-  
12 cion the likes of which tend to precede military action, in-  
13 cluding but not limited to a naval blockade, or an act of  
14 military aggression tantamount to an invasion during the  
15 one-year period preceding submission of the report.

16 (b) REQUESTS FROM CONGRESS.—

17 (1) REQUESTS.—At any point during the one-  
18 year period after submission of a report required by  
19 subsection (a) and before submission of the next  
20 such report, the Chairman and Ranking Member of  
21 the appropriate congressional committees may in-  
22 quire in writing of the President with respect to  
23 whether the certification included in the most recent  
24 report is still accurate.

25 (2) RESPONSES.—Upon receiving an inquiry  
26 from the Chairman and Ranking Member of the ap-

1       appropriate congressional committees under paragraph  
2       (1), the President shall respond in writing, within 30  
3       days, with respect to whether the certification in-  
4       cluded in the most recent report submitted under  
5       subsection (a) is still accurate.

6       **SEC. 4. SUSPENSION OF NORMAL TRADE RELATIONS WITH**  
7                                   **THE PEOPLE’S REPUBLIC OF CHINA.**

8       (a) SUSPENSION.—

9               (1) IN GENERAL.—Notwithstanding title I of  
10       the Act entitled, “An Act to authorize extension of  
11       nondiscriminatory treatment (normal trade relations  
12       treatment) to the People’s Republic of China, and to  
13       establish a framework for relations between the  
14       United States and the People’s Republic of China”,  
15       approved October 10, 2000 (Public Law 106–286;  
16       114 Stat. 881), or any other provision of law, if, in  
17       a report submitted under section 3(a), the President  
18       is unable to certify that no entity of the People’s Re-  
19       public of China, including the People’s Liberation  
20       Army, engaged in an act that violated the sov-  
21       ereignty or territorial integrity of Taiwan, such as  
22       an act of sustained economic coercion the likes of  
23       which tend to precede military action, including but  
24       not limited to a naval blockade, or an act of military

1 aggression tantamount to an invasion, during the  
2 one-year period preceding submission of the report—

3 (A) on and after the date that is 30 days  
4 after submission of the report, the rates of duty  
5 set forth in column 2 of the Harmonized Tariff  
6 Schedule of the United States shall apply to all  
7 products of the People’s Republic of China; and

8 (B) not later than the date described in  
9 shall, not later than 5 calendar days before  
10 issuing any proclamation under paragraph  
11 (1)(B), consult with the appropriate congres-  
12 sional committees regarding the basis for and  
13 anticipated impact of subparagraph (A), the  
14 President shall proclaim increases in such rates  
15 of duty with respect to such products.

16 (2) PRIOR CONSULTATION.—The President pro-  
17 posed increases to rates of duty under that para-  
18 graph.

19 (b) RESTORATION OF NORMAL TRADE RELATIONS  
20 TREATMENT.—Not before official notification to the ap-  
21 propriate Congressional committees and the conclusion of  
22 a 90 day waiting period, the President may resume the  
23 application of the rates of duty set forth in column 1 of  
24 the Harmonized Tariff Schedule of the United States to  
25 the products of the People’s Republic of China on or after

1 the date on which the President submits a report under  
2 section 3(a) that includes—

3           (1) certification that no entity of the People’s  
4           Republic of China, including the People’s Liberation  
5           Army, is currently engaged in an act that violates  
6           the sovereignty or territorial integrity of Taiwan,  
7           such as an act of sustained economic coercion the  
8           likes of which tend to precede military action, in-  
9           cluding but not limited to a naval blockade, or an  
10          act of military aggression tantamount to an inva-  
11          sion, during the one-year period preceding submis-  
12          sion of the report; and

13          (2) certification that Taiwan’s full territorial in-  
14          tegrity was re-established during the one-year period  
15          preceding the submission of the report.

16 **SEC. 5. QUADRENNIAL ASSESSMENT OF TRADE**  
17 **VULNERABILITIES.**

18          (a) **QUADRENNIAL ASSESSMENT REQUIRED.**—The  
19          United States Trade Representative, in consultation with  
20          the Secretary of Commerce, the Secretary of State, the  
21          Secretary of Defense, and the Chief Executive Officer of  
22          the United States International Development Finance  
23          Corporation, shall—

1           (1) conduct a quadrennial assessment of United  
2 States trade vulnerabilities and supply chain risk ex-  
3 posure to the People’s Republic of China; and

4           (2) submit to the appropriate congressional  
5 committees, a quadrennial report on the assessment,  
6 with the first to be delivered no later than one year  
7 and 60 days after passage and each quadrennial re-  
8 port thereafter to be delivered alongside each report  
9 required by section 3(a).

10       (b) ELEMENTS.—The report required by subsection  
11 (a)(2) shall include—

12           (1) identification of goods—

13               (A) for which the United States is signifi-  
14 cantly reliant on imports from the People’s Re-  
15 public of China; and

16               (B) that are critical to the economic pros-  
17 perity and national security of the United  
18 States;

19           (2) an assessment of the economic impact that  
20 revocation of normal trade relations with the Peo-  
21 ple’s Republic of China would have on the price and  
22 supply of imports of goods identified under para-  
23 graph (1); and

24           (3) proposed policies to mitigate any economic  
25 impact described in paragraph (2), including, but



1 not limited to, trade agreements and other policies  
2 to liberalize and facilitate trade to diversify the  
3 sources of imports and destination of exports.

4 (c) FORM; PUBLIC AVAILABILITY.—

5 (1) FORM.—The report required by subsection  
6 (a)(2) shall be submitted in unclassified form, but  
7 may include a classified annex.

8 (2) PUBLIC AVAILABILITY.—The unclassified  
9 portion of the report required by subsection (a)(2)  
10 shall be posted on a publicly accessible website of the  
11 Department of Commerce within 30 days of the sub-  
12 mission of the report to Congress.

13 **SEC. 6. NATIONAL INTEREST WAIVER AND CONGRES-**  
14 **SIONAL REVIEW.**

15 (a) WAIVER.—The requirement under section 4(a)(1)  
16 shall be waived for a one-year period if—

17 (1) the President—

18 (A) determines that such a waiver is in the  
19 national interest of the United States; and

20 (B) submits to the appropriate congres-  
21 sional committees a notice of and justification  
22 for the waiver; and

23 (2) Congress passes a joint resolution of ap-  
24 proval pursuant to subsection (b) during the period  
25 of 60 calendar days beginning on the date on which

1 the President submits the notice required by para-  
2 graph (1)(B).

3 (b) CONGRESSIONAL APPROVAL.—

4 (1) JOINT RESOLUTION OF APPROVAL DE-  
5 FINED.—In this subsection, the term “joint resolu-  
6 tion” means only a joint resolution—

7 (A) that is introduced not later than 10  
8 calendar days after the date on which Congress  
9 receives the notice required by subsection  
10 (a)(1)(B);

11 (B) that does not have a preamble;

12 (C) the title of which is as follows: “Joint  
13 resolution relating to the approval of continuing  
14 normal trade relations with the People’s Repub-  
15 lic of China.”; and

16 (D) the matter after the resolving clause of  
17 which is as follows: “Congress approves of the  
18 waiver for a one-year period of the requirement  
19 under section 4(a)(1) of the Deterring Escalation  
20 Through Economic Retaliation Act of  
21 2023 to suspend normal trade relations with  
22 the People’s Republic of China, with respect to  
23 which notice was submitted to Congress on.”,  
24 with the blank space being filled with the ap-  
25 propriate date.

1           (2) FAST TRACK CONSIDERATION IN HOUSE OF  
2 REPRESENTATIVES.—

3           (A) RECONVENING.—Upon receipt of a no-  
4 tice under subsection (a)(1)(B), the Speaker of  
5 the House of Representatives, if the House  
6 would otherwise be adjourned, shall notify the  
7 Members of the House that, pursuant to this  
8 paragraph, the House shall convene no later  
9 than 10 calendar days after receiving such no-  
10 tice.

11           (B) COMMITTEE REFERRAL.—A joint reso-  
12 lution of approval introduced in the House of  
13 Representatives shall be referred to the Com-  
14 mittee on Ways and Means.

15           (C) REPORTING AND DISCHARGE.—If the  
16 Committee on Ways and Means has not re-  
17 ported a joint resolution of approval within 10  
18 calendar days after the date of referral, the  
19 Committee shall be discharged from further  
20 consideration of the joint resolution and the  
21 joint resolution shall be referred to the appro-  
22 priate calendar.

23           (D) PROCEEDING TO CONSIDERATION.—  
24 After the Committee on Ways and Means has  
25 considered a joint resolution and reports it to

1 the House, or has been discharged from its con-  
2 sideration, it shall be in order, not later than  
3 60 calendar days after Congress receives the  
4 notice described in subsection (a)(1)(B) to move  
5 to proceed to consider the joint resolution in the  
6 House. All points of order against the motion  
7 are waived. Such a motion shall not be in order  
8 after the House has disposed of a motion to  
9 proceed on the joint resolution. The previous  
10 question shall be considered as ordered on the  
11 motion to its adoption without intervening mo-  
12 tion. The motion shall not be debatable. A mo-  
13 tion to reconsider the vote by which the motion  
14 is disposed of shall not be in order.

15 (E) CONSIDERATION.—The joint resolution  
16 shall be considered as read. All points of order  
17 against the joint resolution and against its con-  
18 sideration are waived. The previous question  
19 shall be considered as ordered on the joint reso-  
20 lution to its passage without intervening motion  
21 except not more than 10 hours of debate equal-  
22 ly divided and controlled by the proponent and  
23 an opponent. A motion to reconsider the vote  
24 on passage of the joint resolution shall not be  
25 in order.

1 (3) FAST TRACK CONSIDERATION IN SENATE.—

2 (A) RECONVENING.—Upon receipt of a no-  
3 tice under subsection (a)(1)(B), if the Senate  
4 has adjourned or recessed for more than 2  
5 days, the majority leader of the Senate, after  
6 consultation with the minority leader of the  
7 Senate, shall notify the Members of the Senate  
8 that, pursuant to this paragraph, the Senate  
9 shall convene not later than 10 calendar days  
10 after receipt of such notice.

11 (B) COMMITTEE REFERRAL.—A joint reso-  
12 lution of approval introduced in the Senate  
13 shall be referred to the Committee on Finance.

14 (C) REPORTING AND DISCHARGE.—If the  
15 Committee on Finance has not reported a joint  
16 resolution of approval within 10 calendar days  
17 after the date of referral, the Committee shall  
18 be discharged from further consideration of the  
19 joint resolution, and the joint resolution shall be  
20 placed immediately on the calendar.

21 (D) FLOOR CONSIDERATION.—

22 (i) IN GENERAL.—Notwithstanding  
23 Rule XXII of the Standing Rules of the  
24 Senate, it is in order at any time after the  
25 joint resolution has been placed on the cal-

1           endar, and before the date that is 60 cal-  
2           endar days after Congress receives the no-  
3           tice described in subsection (a)(1)(B), to  
4           move to proceed to the consideration of the  
5           joint resolution. All points of order against  
6           the joint resolution (and against consider-  
7           ation of the joint resolution) are waived.  
8           The motion to proceed is not debatable.  
9           The motion is not subject to a motion to  
10          postpone. A motion to reconsider the vote  
11          by which the motion is agreed to or dis-  
12          agreed to shall not be in order. If a motion  
13          to proceed to the consideration of the reso-  
14          lution is agreed to, the joint resolution  
15          shall remain the unfinished business until  
16          disposed of.

17                 (ii) DEBATE.—Debate on the joint  
18          resolution, and on all debatable motions  
19          and appeals in connection therewith, shall  
20          be limited to not more than 10 hours,  
21          which shall be divided equally between the  
22          majority and minority leaders or their des-  
23          ignees. A motion further to limit debate is  
24          in order and not debatable. An amendment  
25          to, or a motion to postpone, or a motion to

1 proceed to the consideration of other busi-  
2 ness, or a motion to recommit the joint  
3 resolution is not in order.

4 (iii) VOTE ON PASSAGE.—The vote on  
5 passage on a joint resolution of approval  
6 shall occur immediately following the con-  
7 clusion of the debate on a joint resolution,  
8 and a single quorum call at the conclusion  
9 of the debate if requested in accordance  
10 with the rules of the Senate.

11 (iv) RULINGS OF THE CHAIR ON PRO-  
12 CEDURE.—Appeals from the decisions of  
13 the Chair relating to the application of the  
14 rules of the Senate, as the case may be, to  
15 the procedure relating to a joint resolution  
16 of approval shall be decided without de-  
17 bate.

18 (4) RULES RELATING TO SENATE AND HOUSE  
19 OF REPRESENTATIVES.—

20 (A) COORDINATION WITH ACTION BY  
21 OTHER HOUSE.—If, before the passage by one  
22 House of a joint resolution of approval of that  
23 House, that House receives from the other  
24 House a joint resolution of approval, then the  
25 following procedures shall apply:

1 (i) The joint resolution of the other  
2 House shall not be referred to a com-  
3 mittee.

4 (ii) With respect to a joint resolution  
5 of the House receiving the resolution—

6 (I) the procedure in that House  
7 shall be the same as if no joint resolu-  
8 tion had been received from the other  
9 House; but

10 (II) the vote on passage shall be  
11 on the joint resolution of the other  
12 House.

13 (B) TREATMENT OF JOINT RESOLUTION  
14 OF OTHER HOUSE.—If one House fails to intro-  
15 duce or consider a joint resolution of approval  
16 under this subsection, the joint resolution of the  
17 other House shall be entitled to expedited floor  
18 procedures under this subsection.

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

22 (A) as an exercise of the rulemaking power  
23 of the Senate and the House of Representa-  
24 tives, respectively, and as such is deemed a part  
25 of the rules of each House, respectively, and su-



1           persedes other rules only to the extent that it  
2           is inconsistent with such rules; and

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

9   **SEC. 7. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**  
10                   **FINED.**

11           In this Act, unless otherwise specified, the term “ap-  
12   propriate congressional committees” means—

13                   (1) the Committee on Ways and Means of the  
14           House of Representatives; and

15                   (2) the Committee on Finance of the Senate.

○