

115TH CONGRESS  
2D SESSION

# H. R. 6337

To amend the Trade Expansion Act of 1962 to require Congressional approval before the President adjusts imports that are determined to threaten to impair national security.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2018

Mr. GALLAGHER (for himself, Mr. KIND, Mr. PANETTA, Mr. SANFORD, Mr. COSTELLO of Pennsylvania, Mr. LANCE, Mr. COFFMAN, Ms. SINEMA, Mr. COOPER, Mr. LARSEN of Washington, Mr. BEYER, and Mr. CURTIS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on 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 amend the Trade Expansion Act of 1962 to require Congressional approval before the President adjusts imports that are determined to threaten to impair national security.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CONGRESSIONAL APPROVAL BEFORE ADJUST-**  
2 **MENT BY PRESIDENT OF IMPORTS DETER-**  
3 **MINED TO THREATEN TO IMPAIR NATIONAL**  
4 **SECURITY.**

5 (a) IN GENERAL.—Section 232 of the Trade Expan-  
6 sion Act of 1962 (19 U.S.C. 1862) is amended—

7 (1) in subsection (c)—

8 (A) in paragraph (1)—

9 (i) by striking subparagraph (B);

10 (ii) in the matter preceding clause (i),  
11 by striking “(A) Within” and inserting  
12 “Within”;

13 (iii) by redesignating clauses (i) and  
14 (ii) as subparagraphs (A) and (B), respec-  
15 tively; and

16 (iv) in subparagraph (B), as redesign-  
17 nated by clause (iii)—

18 (I) by striking “determine” and  
19 inserting “submit to Congress, not  
20 later than 15 days after making that  
21 determination, a proposal regarding”;  
22 and

23 (II) by striking “must” and in-  
24 sserting “should”; and

25 (B) by striking paragraphs (2) and (3) and  
26 inserting the following:

1 “(2) The President shall submit to Congress for re-  
2 view under subsection (f) a report describing the action  
3 proposed to be taken under paragraph (1) and specifying  
4 the reasons for such proposal. Such report shall be in-  
5 cluded in the report published under subsection (e).”;

6 (2) by redesignating the second subsection (d)  
7 as subsection (e); and

8 (3) by striking subsection (f) and inserting the  
9 following:

10 “(f) CONGRESSIONAL APPROVAL OF PRESIDENTIAL  
11 ADJUSTMENT OF IMPORTS; JOINT RESOLUTION OF AP-  
12 PROVAL.—

13 “(1) IN GENERAL.—An action to adjust imports  
14 proposed by the President and submitted to Con-  
15 gress under subsection (c)(2) shall have force and  
16 effect only upon the enactment of a joint resolution  
17 of approval, provided for in paragraph (3), relating  
18 to that action.

19 “(2) PERIOD FOR REVIEW BY CONGRESS.—The  
20 period for congressional review of a report required  
21 to be submitted under subsection (c)(2) shall be 60  
22 calendar days.

23 “(3) JOINT RESOLUTIONS OF APPROVAL.—

24 “(A) JOINT RESOLUTION OF APPROVAL  
25 DEFINED.—In this subsection, the term ‘joint

1 resolution of approval' means only a joint reso-  
2 lution of either House of Congress—

3 “(i) the title of which is as follows: ‘A  
4 joint resolution approving the proposal of  
5 the President to take an action relating to  
6 the adjustment of imports entering into  
7 the United States in such quantities or  
8 under such circumstances as to threaten or  
9 impair the national security.’; and

10 “(ii) the sole matter after the resolv-  
11 ing clause of which is the following: ‘Con-  
12 gress approves of the recommendation of  
13 the President to Congress relating to the  
14 adjustment of imports to protect the na-  
15 tional security as proposed by the Presi-  
16 dent in the report submitted to Congress  
17 under section 232(c)(2) of the Trade Ex-  
18 pansion Act of 1962 (19 U.S.C.  
19 1862(c)(2)) on \_\_\_\_\_ relating to  
20 \_\_\_\_\_.’, with the first blank space  
21 being filled with the appropriate date and  
22 the second blank space being filled with a  
23 short description of the proposed action.

24 “(B) INTRODUCTION.—During the period  
25 of 60 calendar days provided for under para-

1 graph (2), a joint resolution of approval may be  
2 introduced and shall be referred to the appro-  
3 priate committee.

4 “(C) FLOOR CONSIDERATION IN HOUSE OF  
5 REPRESENTATIVES.—If a committee of the  
6 House of Representatives to which a joint reso-  
7 lution of approval has been referred has not re-  
8 ported the joint resolution within 10 calendar  
9 days after the date of referral, that committee  
10 shall be discharged from further consideration  
11 of the joint resolution.

12 “(D) CONSIDERATION IN THE SENATE.—

13 “(i) COMMITTEE REFERRAL.—A joint  
14 resolution of approval introduced in the  
15 Senate shall be referred to the Committee  
16 on Finance.

17 “(ii) REPORTING AND DISCHARGE.—

18 If the committee to which a joint resolu-  
19 tion of approval was referred has not re-  
20 ported the joint resolution within 10 cal-  
21 endar days after the date of referral of the  
22 joint resolution, that committee shall be  
23 discharged from further consideration of  
24 the joint resolution and the joint resolution

1 shall be placed on the appropriate cal-  
2 endar.

3 “(iii) PROCEEDING TO CONSIDER-  
4 ATION.—Notwithstanding Rule XXII of  
5 the Standing Rules of the Senate, it is in  
6 order at any time after the Committee on  
7 Finance reports a joint resolution of ap-  
8 proval or has been discharged from consid-  
9 eration of such a joint resolution to move  
10 to proceed to the consideration of the joint  
11 resolution. The motion to proceed is not  
12 debatable. The motion is not subject to a  
13 motion to postpone. A motion to reconsider  
14 the vote by which the motion is agreed to  
15 or disagreed to shall not be in order.

16 “(iv) RULINGS OF THE CHAIR ON  
17 PROCEDURE.—Appeals from the decisions  
18 of the Chair relating to the application of  
19 the rules of the Senate, as the case may  
20 be, to the procedure relating to a joint res-  
21 olution of approval shall be decided by the  
22 Senate without debate.

23 “(E) RULES RELATING TO SENATE AND  
24 HOUSE OF REPRESENTATIVES.—

1           “(i) TREATMENT OF SENATE JOINT  
2 RESOLUTION IN HOUSE.—In the House of  
3 Representatives, the following procedures  
4 shall apply to a joint resolution of approval  
5 received from the Senate (unless the House  
6 has already passed a joint resolution relat-  
7 ing to the same proposed action):

8                   “(I) The joint resolution shall be  
9 referred to the Committee on Ways  
10 and Means.

11                   “(II) If the Committee on Ways  
12 and Means has not reported the joint  
13 resolution within 2 calendar days  
14 after the date of referral, that com-  
15 mittee shall be discharged from fur-  
16 ther consideration of the joint resolu-  
17 tion.

18                   “(III) Beginning on the third leg-  
19 islative day after each committee to  
20 which a joint resolution has been re-  
21 ferred reports the joint resolution to  
22 the House or has been discharged  
23 from further consideration thereof, it  
24 shall be in order to move to proceed  
25 to consider the joint resolution in the

1 House. All points of order against the  
2 motion are waived. Such a motion  
3 shall not be in order after the House  
4 has disposed of a motion to proceed  
5 on the joint resolution. The previous  
6 question shall be considered as or-  
7 dered on the motion to its adoption  
8 without intervening motion. The mo-  
9 tion shall not be debatable. A motion  
10 to reconsider the vote by which the  
11 motion is disposed of shall not be in  
12 order.

13 “(IV) The joint resolution shall  
14 be considered as read. All points of  
15 order against the joint resolution and  
16 against its consideration are waived.  
17 The previous question shall be consid-  
18 ered as ordered on the joint resolution  
19 to final passage without intervening  
20 motion except 2 hours of debate  
21 equally divided and controlled by the  
22 sponsor of the joint resolution (or a  
23 designee) and an opponent. A motion  
24 to reconsider the vote on passage of



1 the joint resolution shall not be in  
2 order.

3 “(ii) TREATMENT OF HOUSE JOINT  
4 RESOLUTION IN SENATE.—

5 “(I) If, before the passage by the  
6 Senate of a joint resolution of ap-  
7 proval, the Senate receives an iden-  
8 tical joint resolution from the House  
9 of Representatives, the following pro-  
10 cedures shall apply:

11 “(aa) That joint resolution  
12 shall not be referred to a com-  
13 mittee.

14 “(bb) With respect to that  
15 joint resolution—

16 “(AA) the procedure in  
17 the Senate shall be the same  
18 as if no joint resolution had  
19 been received from the  
20 House of Representatives;  
21 but

22 “(BB) the vote on pas-  
23 sage shall be on the joint  
24 resolution from the House of  
25 Representatives.

1           “(II) If, following passage of a  
2 joint resolution of approval in the  
3 Senate, the Senate receives an iden-  
4 tical joint resolution from the House  
5 of Representatives, that joint resolu-  
6 tion shall be placed on the appropriate  
7 Senate calendar.

8           “(III) If a joint resolution of ap-  
9 proval is received from the House,  
10 and no companion joint resolution has  
11 been introduced in the Senate, the  
12 Senate procedures as described in  
13 subparagraph (D) shall apply to the  
14 House joint resolution.

15           “(F) RULES OF HOUSE OF REPRESENTA-  
16 TIVES AND SENATE.—This paragraph is en-  
17 acted by Congress—

18           “(i) as an exercise of the rulemaking  
19 power of the Senate and the House of Rep-  
20 resentatives, respectively, and as such is  
21 deemed a part of the rules of each House,  
22 respectively, and supersedes other rules  
23 only to the extent that it is inconsistent  
24 with such rules; and

1           “(ii) with full recognition of the con-  
2           stitutional right of either House to change  
3           the rules (so far as relating to the proce-  
4           dure of that House) at any time, in the  
5           same manner, and to the same extent as in  
6           the case of any other rule of that House.”.

7           (b) EFFECTIVE DATE.—

8           (1) IN GENERAL.—The amendments made by  
9           subsection (a) shall apply to any proposed action  
10          covered by subsection (c) of section 232 of the Trade  
11          Expansion Act of 1962 (19 U.S.C. 1862), as so  
12          amended, on or after the date that is two years be-  
13          fore the date of the enactment of this Act.

14          (2) TIMING OF CERTAIN PROPOSALS.—If the  
15          President makes a determination described in sub-  
16          section (c)(1)(A) of such section, as so amended,  
17          during the period beginning on the date that is two  
18          years before the date of the enactment of this Act  
19          and ending on the day before such date of enact-  
20          ment, the submission to Congress of the proposal de-  
21          scribed in subsection (c)(1)(B) of such section, as so  
22          amended, shall be required not later than 15 days  
23          after such date of enactment.

24          (3) MODIFICATION OF DUTY RATE AMOUNTS.—

1 (A) IN GENERAL.—Any rate of duty modi-  
2 fied under section 232(c) of the Trade Expans-  
3 sion Act of 1962 (19 U.S.C. 1862(c)) during  
4 the period specified in paragraph (2) shall on  
5 the date of the enactment of this Act revert to  
6 the rate of duty in effect before such modifica-  
7 tion.

8 (B) RETROACTIVE APPLICATION FOR CER-  
9 TAIN LIQUIDATIONS AND RELIQUIDATIONS.—

10 (i) IN GENERAL.—Subject to clause

11 (ii), any entry of an article that—

12 (I) was made—

13 (aa) on or after the date  
14 that is two years before the date  
15 of the enactment of this Act; and

16 (bb) before such date of en-  
17 actment; and

18 (II) to which a lower rate of duty  
19 would be applicable due to the appli-  
20 cation of subparagraph (A),  
21 shall be liquidated or reliquidated as  
22 though such entry occurred on such date  
23 of enactment.

24 (ii) REQUESTS.—A liquidation or re-  
25 liquidation may be made under clause (i)

1 with respect to an entry only if a request  
2 therefor is filed with U.S. Customs and  
3 Border Protection not later than 180 days  
4 after the date of the enactment of this Act  
5 that contains sufficient information to en-  
6 able U.S. Customs and Border Protec-  
7 tion—

8 (I) to locate the entry; or

9 (II) to reconstruct the entry if it  
10 cannot be located.

11 (iii) PAYMENT OF AMOUNTS OWED.—

12 Any amounts owed by the United States  
13 pursuant to the liquidation or reliquidation  
14 of an entry of an article under clause (i)  
15 shall be paid, without interest, not later  
16 than 90 days after the date of the liquida-  
17 tion or reliquidation (as the case may be).

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