

115TH CONGRESS
2D SESSION

S. 3013

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.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2018

Mr. CORKER (for himself, Ms. HEITKAMP, Mr. TOOMEY, Mr. WARNER, Mr. ALEXANDER, Mr. SCHATZ, Mr. JOHNSON, Mr. VAN HOLLEN, Mr. FLAKE, Mr. LEE, Mr. SASSE, Mrs. SHAHEEN, and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on Finance

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 serting “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 (e)(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 (e)(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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