

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3943

To require a process for the exclusion of certain articles used in home constructions from certain duties, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2026

Ms. ROSEN (for herself, Mr. COONS, Ms. BLUNT ROCHESTER, Mr. KAINE, Ms. ALSOBROOKS, Mr. HEINRICH, and Mr. KIM) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To require a process for the exclusion of certain articles used in home constructions from certain duties, 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 “Housing Tariff Exclu-  
5 sion Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) the United States is facing a severe housing  
9 affordability crisis;

1           (2) the median price of a single-family home ex-  
2           ceeds five times the median household income, put-  
3           ting homeownership out of reach for millions of  
4           hardworking people in the United States;

5           (3) one of the primary drivers of the housing  
6           affordability crisis is a shortage of supply of homes;

7           (4) impartial analysis shows that the United  
8           States housing supply is 3,000,000 to 5,000,000  
9           units short of long-run demand;

10          (5) overcoming the housing affordability crisis  
11          requires significant investment in home construction  
12          in the United States;

13          (6) a wide range of products are necessary in  
14          the construction of a new home, ranging from lum-  
15          ber and cement to electrical and plumbing fixtures  
16          to cabinetry and drywall;

17          (7) while many of those products are produced  
18          in the United States, the United States lacks suffi-  
19          cient production capacity for all relevant products to  
20          meet the urgent need for home construction, while  
21          some essential products are not manufactured in the  
22          United States at all;

23          (8) according to nonpartisan research, tariffs  
24          on key building materials as of the date of the en-  
25          actment of this Act will add billions of dollars to the

1 cost of home construction in the United States over  
2 the coming years; and

3 (9) those added costs will reduce home con-  
4 struction and make it more expensive for people to  
5 buy or rent homes in the United States.

6 **SEC. 3. PROCESS FOR EXCLUSION OF CERTAIN ARTICLES**  
7 **USED IN HOME CONSTRUCTION FROM CER-**  
8 **TAIN DUTIES.**

9 (a) ESTABLISHMENT.—Notwithstanding any other  
10 provision of law, the Secretary of Commerce shall establish  
11 a process pursuant to which United States entities and  
12 associations of such entities may request the exclusion of  
13 covered articles from covered duties.

14 (b) IMPLEMENTATION.—In implementing the process  
15 established under subsection (a), the Secretary shall ex-  
16 clude from the imposition of a covered duty a covered arti-  
17 cle if—

18 (1) the covered article is a critical homebuilding  
19 product; or

20 (2) the Secretary determines—

21 (A) the imposition of the duty on the arti-  
22 cle would increase the cost of home construction  
23 in the United States; and

1 (B) the exclusion of the article can likely  
2 be administered by U.S. Customs and Border  
3 Protection.

4 (c) DETERMINATION OF INCREASED HOME CON-  
5 STRUCTION COSTS.—The Secretary shall determine under  
6 subsection (b)(2)(A) that the imposition of a covered duty  
7 on a covered article would increase the cost of home con-  
8 struction in the United States if imposition of the covered  
9 duty would cause an increase in the cost of the covered  
10 article listed in Appendix 1 to chapter 17 of the Handbook  
11 of Methods of the Bureau of Labor Statistics of the De-  
12 partment of Labor.

13 (d) TIMELY ADJUDICATION.—In implementing the  
14 process established under subsection (a), the Secretary  
15 shall adjudicate exclusion requests not later than—

16 (1) for critical homebuilding products, 15 days  
17 after the date on which the United States entity or  
18 association of entities requests such exclusion; and

19 (2) for other covered articles, 60 days after the  
20 date on which the United States entity or associa-  
21 tion of entities requests such exclusion.

22 (e) RETROACTIVE APPLICATION.—

23 (1) IN GENERAL.—Notwithstanding any other  
24 provision of law, any entry of a covered article that  
25 would have been subject to a lower rate of duty if

1 the entry had been made after the issuance of an ex-  
2 clusion of the article from the imposition of a cov-  
3 ered duty pursuant to the exclusion process estab-  
4 lished under subsection (a) that was made—

5 (A) after the date of the enactment of this

6 Act,

7 (B) after the imposition of the covered  
8 duty with respect to that article, and

9 (C) before the issuance of the exclusion,

10 shall be liquidated or reliquidated as though the  
11 entry occurred after the issuance of the exclusion.

12 (2) REQUESTS.—A liquidation or reliquidation  
13 may be made under paragraph (1) with respect to  
14 an entry of a covered article only if a request there-  
15 for is filed with U.S. Customs and Border Protec-  
16 tion not later than 180 days after the issuance of an  
17 exclusion described in paragraph (1) with respect to  
18 that article that contains sufficient information to  
19 enable U.S. Customs and Border Protection—

20 (A) to locate the entry; or

21 (B) to reconstruct the entry if it cannot be  
22 located.

23 (3) PAYMENTS OF AMOUNTS OWED.—Any  
24 amounts owed by the United States pursuant to the  
25 liquidation or reliquidation of an entry of an article

1 under paragraph (1) shall be paid, without interest,  
2 not later than 90 days after the date of the liquida-  
3 tion or reliquidation (as the case may be).

4 (f) TRANSPARENCY.—Not later than 15 days after  
5 the adjudication of any request for exclusion from the im-  
6 position of a covered duty pursuant to the exclusion proc-  
7 ess established under subsection (a), the Secretary shall  
8 publish the result of that adjudication on an internet  
9 website in an accessible format.

10 (g) REPORTING TO CONGRESS.—Not less frequently  
11 than quarterly, the Secretary shall submit to the Com-  
12 mittee on Finance of the Senate and the Committee on  
13 Ways and Means of the House of Representatives a report  
14 on all requests for exclusion from the imposition of a cov-  
15 ered duty pursuant to the exclusion process established  
16 under subsection (a) adjudicated in the prior quarter, in-  
17 cluding an explanation of any decision not to grant a re-  
18 quest for exclusion.

19 (h) DEFINITIONS.—In this section:

20 (1) COVERED ARTICLE.—The term “covered ar-  
21 ticle” means any product used in the construction or  
22 furnishing of a single-family home or multi-family  
23 residential building and includes any material or  
24 input used in the manufacture of any such product.

1           (2) COVERED DUTY.—The term “covered duty”  
 2           means any duty on an article in excess of the rate  
 3           of duty in effect for that article on January 19,  
 4           2025, but does not include—

5                   (A) an antidumping or countervailing duty  
 6                   imposed under title VII of the Tariff Act of  
 7                   1930 (19 U.S.C. 1671 et seq.); or

8                   (B) a duty proclaimed pursuant to section  
 9                   201 of the Trade Act of 1974 (19 U.S.C.  
 10                  2251).

11           (3) CRITICAL HOMEBUILDING PRODUCT.—The  
 12           term “critical homebuilding product” means any  
 13           covered article classified under any heading or sub-  
 14           heading of the Harmonized Tariff Schedule of the  
 15           United States listed in the following table:

Heading or subheading of Harmonized Tariff Schedule of the United States

4407.13.00.00  
 3918.10.10.20  
 2523.29.00.00  
 6810.99.00.20  
 3925.90.00.00  
 4410.12.00.10  
 3918.10.10.40  
 4410.12.00.20  
 6907.21.90.51  
 6810.99.00.80  
 3925.30.10.00  
 6910.10.00.20  
 6802.91.05.00  
 3918.10.10.30  
 7007.19.00.00  
 4407.12.00.20  
 4409.10.40.10  
 4412.33.32.25  
 4418.29.80.60  
 6802.91.15.00

## Heading or subheading of Harmonized Tariff Schedule of the United States

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7009.92.50.95  
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4409.10.40.90  
3925.20.00.10  
4407.19.00.68  
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4407.19.00.69  
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3214.10.00.10  
4421.99.94.00  
6802.93.00.90  
6907.22.90.51  
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6909.11.20.00  
4016.91.00.00  
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4411.14.10.00  
6910.90.00.00  
6811.82.00.00  
6910.10.00.30  
7007.29.00.00  
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## Heading or subheading of Harmonized Tariff Schedule of the United States

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## Heading or subheading of Harmonized Tariff Schedule of the United States

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## Heading or subheading of Harmonized Tariff Schedule of the United States

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## Heading or subheading of Harmonized Tariff Schedule of the United States

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## Heading or subheading of Harmonized Tariff Schedule of the United States

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## Heading or subheading of Harmonized Tariff Schedule of the United States

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## Heading or subheading of Harmonized Tariff Schedule of the United States

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## Heading or subheading of Harmonized Tariff Schedule of the United States

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## Heading or subheading of Harmonized Tariff Schedule of the United States

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4412.91.31.50  
4409.29.26.50  
4411.94.00.20  
5904.90.90.00  
6902.90.50.10  
6907.23.20.00  
6907.22.30.00  
4418.73.20.00  
4409.91.00.40  
2515.12.20.00  
4411.12.60.00  
4404.10.00.40  
4407.29.02.40  
5904.90.10.00  
4411.12.90.10  
2515.11.00.00  
7005.10.40.00  
7003.20.00.00  
7004.90.50.00  
4404.20.00.80  
4403.24.01.12  
4409.22.10.00  
4408.90.01.66  
2522.30.00.00  
4407.94.00.00  
4403.21.01.12  
4412.91.31.60  
4418.73.70.00  
4407.19.00.83  
4418.74.10.00  
4412.51.31.61  
4418.74.20.00  
4403.91.00.20  
4411.93.90.10  
4411.13.60.00  
4410.19.00.10  
4403.23.01.42  
3918.10.32.50  
4503.90.40.00  
3918.90.20.00  
4412.31.42.00  
4601.29.80.00  
4407.12.00.02  
6907.23.10.05  
4412.91.41.00  
4418.74.90.00  
4407.12.00.17  
4407.11.00.48

## Heading or subheading of Harmonized Tariff Schedule of the United States

4403.99.01.70  
4409.10.65.00  
4403.26.01.52  
4418.73.90.00  
4407.29.02.85  
4403.23.01.65  
4403.99.01.75  
4403.97.00.67  
3918.10.31.10  
3918.90.30.00  
4418.73.40.00  
4412.99.61.00  
4403.98.00.95  
7004.20.20.20  
4403.23.01.35  
4410.19.00.30  
4504.10.40.00  
4411.93.30.00  
6812.99.20.00  
6810.11.00.10  
4403.21.01.16  
4403.25.01.50  
4403.26.01.57  
4407.99.02.42  
4412.31.52.62  
4409.22.05.35  
4421.91.20.00  
7004.90.30.10  
4403.11.00.60  
2517.30.00.00  
4412.31.26.10  
4412.59.90.00  
6905.90.00.10  
4403.21.01.15  
4412.33.32.65  
4403.21.01.30  
4412.91.31.70  
4403.96.01.30  
4403.99.01.28  
4403.12.00.50  
4418.91.91.40  
4412.52.41.00  
4418.91.91.20  
6907.40.10.05  
4403.96.01.27  
4403.24.01.15  
4412.31.52.75  
4411.93.60.00  
4421.91.10.00  
4412.33.32.55  
4409.21.05.00  
4403.97.00.65  
4403.42.00.00  
6811.81.00.00

## Heading or subheading of Harmonized Tariff Schedule of the United States

7004.90.30.20  
4412.52.31.21  
4412.51.10.30  
4403.26.01.64  
4403.22.01.12  
4403.25.01.65  
4412.51.31.75  
4407.19.00.82  
4403.25.01.57  
4601.21.80.00  
4409.22.65.00  
7004.90.25.20  
4412.51.41.00  
4412.39.40.52  
4409.22.60.00  
4409.21.90.00  
4412.52.31.61  
4412.92.11.20  
4403.25.01.64  
7004.20.50.00  
4412.59.80.00  
4407.29.02.11  
4412.33.32.35  
4403.25.01.52  
4403.26.01.65  
4403.23.01.16  
7004.90.15.00  
4412.92.31.50  
4418.91.10.00  
4412.99.71.00  
4403.99.01.40  
4406.12.00.00  
4403.22.01.15  
4403.12.00.60  
4403.26.01.15  
4412.31.52.64  
7004.90.25.10  
4406.11.00.00  
4403.22.01.65  
4412.91.31.40  
4403.99.01.55  
4403.25.01.15  
4412.34.26.00  
4403.24.01.65  
7004.90.20.00  
6904.10.00.30  
4403.93.01.00  
7004.90.30.50  
4407.11.00.49  
4403.94.01.00  
3918.10.32.10  
6812.99.10.00  
4407.26.00.00  
4412.91.10.20

## Heading or subheading of Harmonized Tariff Schedule of the United States

4406.91.00.00

4403.12.00.40

4601.22.80.00

4403.24.01.16

4412.31.52.35

4403.97.00.26

4412.39.40.59

4412.31.52.55

1           (4) ENTRY.—The term “entry” includes a with-  
2           drawal from warehouse for consumption.

3           (5) UNITED STATES ENTITY.—The term  
4           “United States entity” means an entity organized  
5           under the laws of the United States or any jurisdic-  
6           tion within the United States.

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