

115TH CONGRESS
2D SESSION

S. 3230

To impose a limitation on increases in duties on imports of steel and aluminum from Canada, Mexico, and the European Union, to improve congressional oversight of tariffs imposed to protect national security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2018

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To impose a limitation on increases in duties on imports of steel and aluminum from Canada, Mexico, and the European Union, to improve congressional oversight of tariffs imposed to protect national security, 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,*

1 **SECTION 1. LIMITATION ON INCREASES IN DUTIES ON IM-**
2 **PORTS OF STEEL AND ALUMINUM ON IM-**
3 **PORTS FROM CANADA, MEXICO, AND THE EU-**
4 **ROPEAN UNION.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, the rates of duty applicable to articles speci-
7 fied in subsection (b), and imported from Canada, Mexico,
8 or any country that is a member of the European Union,
9 under the Harmonized Tariff Schedule of the United
10 States (in this section referred to as the “HTS”) on
11 March 22, 2018, shall remain in effect on and after March
12 23, 2018, without regard to any presidential proclamation
13 issued on May 31, 2018, or any other date, relating to—

14 (1) the report of the Secretary of Commerce on
15 the Secretary’s investigation into the effect of im-
16 ports of steel articles on the national security of the
17 United States transmitted to the President on Janu-
18 ary 11, 2018; or

19 (2) the report of the Secretary of Commerce on
20 the Secretary’s investigation into the effect of im-
21 ports of aluminum on the national security of the
22 United States transmitted to the President on Janu-
23 ary 19, 2018.

24 (b) ARTICLES SPECIFIED.—The articles specified in
25 this subsection are the following:

1 (1) Articles of steel classifiable under any of
2 subheadings 7206.10 through 7216.50, 7216.99
3 through 7301.10, 7302.10, 7302.40 through
4 7302.90, or 7304.10 through 7306.90 of the HTS.

5 (2) Unwrought aluminum classifiable under
6 heading 7601 of the HTS.

7 (3) Aluminum bars, rods, and profiles classifi-
8 able under heading 7604 of the HTS.

9 (4) Aluminum wire classifiable under heading
10 7605 of the HTS.

11 (5) Aluminum plates, sheets, and strips classifi-
12 able under heading 7606 of the HTS.

13 (6) Aluminum foil classifiable under heading
14 7607 of the HTS.

15 (7) Aluminum tubes and pipes classifiable
16 under heading 7608 of the HTS.

17 (8) Aluminum tube and pipe fittings classifiable
18 under heading 7609 of the HTS.

19 (9) Aluminum castings classifiable under statis-
20 tical reporting number 7616.99.51.60 of the HTS.

21 (10) Aluminum forgings classifiable under sta-
22 tistical reporting number 7616.99.51.70 of the HTS.

23 (c) EXCEPTION FOR TECHNICAL CORRECTIONS.—
24 The limitation under subsection (a) shall not apply with
25 respect to technical corrections to the HTS.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or alter any other provision of the Tariff Act of 1930 (19 U.S.C. 1304 et seq.) or the Trade Act of 1974 (19 U.S.C. 2101 et seq.) related to the enforcement of the customs and trade laws of the United States.

**SEC. 2. CONGRESSIONAL OVERSIGHT OF TARIFFS IMPOSED
TO PROTECT NATIONAL SECURITY.**

Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by adding at the end the following:

“(C) In conducting an investigation under this subsection, the Secretary shall consult with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence with respect to the effects on the national security of imports of the article that is the subject of the investigation.”; and

(B) in paragraph (3)(A)—

(i) by inserting “(i)” before “By no later”;

(ii) by striking “If the Secretary” and inserting the following:

“(ii) If the Secretary”; and

1 (iii) in clause (i), as designated by
2 clause (i) of this subparagraph, by striking
3 “a report on” and all that follows through
4 “under this section.” and inserting the fol-
5 lowing: “a report that includes—

6 “(I) the findings of such investigation with re-
7 spect to the effect of the importation of such article
8 in such quantities or under such circumstances upon
9 the national security;

10 “(II) based on such findings, the recommenda-
11 tions of the Secretary for action or inaction under
12 this section; and

13 “(III) in consultation with the Secretary of De-
14 fense, the Secretary of State, and the Director of
15 National Intelligence, an assessment of the implica-
16 tions of such recommendations.”;

17 (2) in subsection (c)—

18 (A) by striking paragraph (2) and insert-
19 ing the following:

20 “(2)(A) By not later than the date that is 30 days
21 after the date on which the President makes any deter-
22 mination under paragraph (1), the President shall submit
23 to Congress a report that includes—

1 “(i) a description of the reasons why the Presi-
2 dent has decided to take action, or refused to take
3 action, under paragraph (1); and

4 “(ii) an assessment of the national security im-
5 plications of such action or inaction.

6 “(B) Any portion of the report required by subpara-
7 graph (A) that does not contain classified information or
8 proprietary information shall be included in the report
9 published under subsection (e).”; and

10 (B) by adding at the end the following:

11 “(4) Before proclaiming any new or additional duty
12 or quota under this subsection with respect to an article
13 imported into the United States, the President shall—

14 “(A) consult with respect to the duty or quota
15 with the Committee on Finance of the Senate and
16 the Committee on Ways and Means of the House of
17 Representative, and, if the duty or quota affects ag-
18 ricultural products, the Committee on Agriculture,
19 Nutrition, and Forestry of the Senate and the Com-
20 mittee on Agriculture of the House of Representa-
21 tives;

22 “(B) consult with the House Advisory Group on
23 Negotiations and the Senate Advisory Group on Ne-
24 gotiations convened under section 104(c) of the Bi-
25 partisan Congressional Trade Priorities and Ac-

1 countability Act of 2015 (19 U.S.C. 4203(c)) re-
2 garding the status of discussions regarding any na-
3 tional security issue identified with respect to each
4 country the exports of which would be subject to the
5 duty or quota; and

6 “(C) in addition to the written statement re-
7 quired by paragraph (2), transmit to Congress—

8 “(i) a report by the United States Inter-
9 national Trade Commission assessing the prob-
10 able economic effects of the duty or quota on
11 the economy of the United States; and

12 “(ii) a report by the Secretary of Defense,
13 in consultation with the Secretary of State and
14 the Director of National Intelligence, describing
15 how the national security interests of the
16 United States will be advanced by the duty or
17 quota.”; and

18 (3) by redesignating the second subsection (d)
19 as subsection (e).

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