

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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 SENATE OF THE UNITED STATES

Mr. CORKER introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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,*

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

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

1 (1) in subsection (c)—

2 (A) in paragraph (1)—

3 (i) by striking subparagraph (B);

4 (ii) in the matter preceding clause (i),  
5 by striking “(A) Within” and inserting  
6 “Within”;

7 (iii) by redesignating clauses (i) and  
8 (ii) as subparagraphs (A) and (B), respec-  
9 tively; and

10 (iv) in subparagraph (B), as redesign-  
11 nated by clause (iii)—

12 (I) by striking “determine” and  
13 inserting “submit to Congress, not  
14 later than 15 days after making that  
15 determination, a proposal regarding”;  
16 and

17 (II) by striking “must” and in-  
18 serting “should”; and

19 (B) by striking paragraphs (2) and (3) and  
20 inserting the following:

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

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

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

5           “(f) CONGRESSIONAL APPROVAL OF PRESIDENTIAL  
6 ADJUSTMENT OF IMPORTS; JOINT RESOLUTION OF AP-  
7 PROVAL.—

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

14           “(2) PERIOD FOR REVIEW BY CONGRESS.—The  
15 period for congressional review of a report required  
16 to be submitted under subsection (c)(2) shall be 60  
17 calendar days.

18           “(3) JOINT RESOLUTIONS OF APPROVAL.—

19           “(A) JOINT RESOLUTION OF APPROVAL  
20 DEFINED.—In this subsection, the term ‘joint  
21 resolution of approval’ means only a joint reso-  
22 lution of either House of Congress—

23           “(i) the title of which is as follows: ‘A  
24 joint resolution approving the proposal of  
25 the President to take an action relating to

1 the adjustment of imports entering into  
2 the United States in such quantities or  
3 under such circumstances as to threaten or  
4 impair the national security.’; and

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

19 “(B) INTRODUCTION.—During the period  
20 of 60 calendar days provided for under para-  
21 graph (2), a joint resolution of approval may be  
22 introduced and shall be referred to the appro-  
23 priate committee.

24 “(C) FLOOR CONSIDERATION IN HOUSE OF  
25 REPRESENTATIVES.—If a committee of the

1 House of Representatives to which a joint reso-  
2 lution of approval has been referred has not re-  
3 ported the joint resolution within 10 calendar  
4 days after the date of referral, that committee  
5 shall be discharged from further consideration  
6 of the joint resolution.

7 “(D) CONSIDERATION IN THE SENATE.—

8 “(i) COMMITTEE REFERRAL.—A joint  
9 resolution of approval introduced in the  
10 Senate shall be referred to the Committee  
11 on Finance.

12 “(ii) REPORTING AND DISCHARGE.—

13 If the committee to which a joint resolu-  
14 tion of approval was referred has not re-  
15 ported the joint resolution within 10 cal-  
16 endar days after the date of referral of the  
17 joint resolution, that committee shall be  
18 discharged from further consideration of  
19 the joint resolution and the joint resolution  
20 shall be placed on the appropriate cal-  
21 endar.

22 “(iii) PROCEEDING TO CONSIDER-  
23 ATION.—Notwithstanding Rule XXII of  
24 the Standing Rules of the Senate, it is in  
25 order at any time after the Committee on

1 Finance reports a joint resolution of ap-  
2 proval or has been discharged from consid-  
3 eration of such a joint resolution to move  
4 to proceed to the consideration of the joint  
5 resolution. The motion to proceed is not  
6 debatable. The motion is not subject to a  
7 motion to postpone. A motion to reconsider  
8 the vote by which the motion is agreed to  
9 or disagreed to shall not be in order.

10 “(iv) RULINGS OF THE CHAIR ON  
11 PROCEDURE.—Appeals from the decisions  
12 of the Chair relating to the application of  
13 the rules of the Senate, as the case may  
14 be, to the procedure relating to a joint res-  
15 olution of approval shall be decided by the  
16 Senate without debate.

17 “(E) RULES RELATING TO SENATE AND  
18 HOUSE OF REPRESENTATIVES.—

19 “(i) TREATMENT OF SENATE JOINT  
20 RESOLUTION IN HOUSE.—In the House of  
21 Representatives, the following procedures  
22 shall apply to a joint resolution of approval  
23 received from the Senate (unless the House  
24 has already passed a joint resolution relat-  
25 ing to the same proposed action):

1                   “(I) The joint resolution shall be  
2 referred to the Committee on Ways  
3 and Means.

4                   “(II) If the Committee on Ways  
5 and Means has not reported the joint  
6 resolution within 2 calendar days  
7 after the date of referral, that com-  
8 mittee shall be discharged from fur-  
9 ther consideration of the joint resolu-  
10 tion.

11                   “(III) Beginning on the third leg-  
12 islative day after each committee to  
13 which a joint resolution has been re-  
14 ferred reports the joint resolution to  
15 the House or has been discharged  
16 from further consideration thereof, it  
17 shall be in order to move to proceed  
18 to consider the joint resolution in the  
19 House. All points of order against the  
20 motion are waived. Such a motion  
21 shall not be in order after the House  
22 has disposed of a motion to proceed  
23 on the joint resolution. The previous  
24 question shall be considered as or-  
25 dered on the motion to its adoption

1 without intervening motion. The mo-  
2 tion shall not be debatable. A motion  
3 to reconsider the vote by which the  
4 motion is disposed of shall not be in  
5 order.

6 “(IV) The joint resolution shall  
7 be considered as read. All points of  
8 order against the joint resolution and  
9 against its consideration are waived.  
10 The previous question shall be consid-  
11 ered as ordered on the joint resolution  
12 to final passage without intervening  
13 motion except 2 hours of debate  
14 equally divided and controlled by the  
15 sponsor of the joint resolution (or a  
16 designee) and an opponent. A motion  
17 to reconsider the vote on passage of  
18 the joint resolution shall not be in  
19 order.

20 “(ii) TREATMENT OF HOUSE JOINT  
21 RESOLUTION IN SENATE.—

22 “(I) If, before the passage by the  
23 Senate of a joint resolution of ap-  
24 proval, the Senate receives an iden-  
25 tical joint resolution from the House



1 of Representatives, the following pro-  
2 cedures shall apply:

3 “(aa) That joint resolution  
4 shall not be referred to a com-  
5 mittee.

6 “(bb) With respect to that  
7 joint resolution—

8 “(AA) the procedure in  
9 the Senate shall be the same  
10 as if no joint resolution had  
11 been received from the  
12 House of Representatives;  
13 but

14 “(BB) the vote on pas-  
15 sage shall be on the joint  
16 resolution from the House of  
17 Representatives.

18 “(II) If, following passage of a  
19 joint resolution of approval in the  
20 Senate, the Senate receives an iden-  
21 tical joint resolution from the House  
22 of Representatives, that joint resolu-  
23 tion shall be placed on the appropriate  
24 Senate calendar.

1                   “(III) If a joint resolution of ap-  
2                   proval is received from the House,  
3                   and no companion joint resolution has  
4                   been introduced in the Senate, the  
5                   Senate procedures as described in  
6                   subparagraph (D) shall apply to the  
7                   House joint resolution.

8                   “(F) RULES OF HOUSE OF REPRESENTA-  
9                   TIVES AND SENATE.—This paragraph is en-  
10                  acted by Congress—

11                  “(i) as an exercise of the rulemaking  
12                  power of the Senate and the House of Rep-  
13                  resentatives, respectively, and as such is  
14                  deemed a part of the rules of each House,  
15                  respectively, and supersedes other rules  
16                  only to the extent that it is inconsistent  
17                  with such rules; and

18                  “(ii) with full recognition of the con-  
19                  stitutional right of either House to change  
20                  the rules (so far as relating to the proce-  
21                  dure of that House) at any time, in the  
22                  same manner, and to the same extent as in  
23                  the case of any other rule of that House.”.

24                  (b) EFFECTIVE DATE.—

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

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

17          (3) MODIFICATION OF DUTY RATE AMOUNTS.—

18                 (A) IN GENERAL.—Any rate of duty modi-  
19                 fied under section 232(c) of the Trade Expan-  
20                 sion Act of 1962 (19 U.S.C. 1862(c)) during  
21                 the period specified in paragraph (2) shall on  
22                 the date of the enactment of this Act revert to  
23                 the rate of duty in effect before such modifica-  
24                 tion.

1 (B) RETROACTIVE APPLICATION FOR CER-  
2 TAIN LIQUIDATIONS AND RELIQUIDATIONS.—

3 (i) IN GENERAL.—Subject to clause  
4 (ii), any entry of an article that—

5 (I) was made—

6 (aa) on or after the date  
7 that is two years before the date  
8 of the enactment of this Act, and

9 (bb) before such date of en-  
10 actment, and

11 (II) to which a lower rate of duty  
12 would be applicable due to the appli-  
13 cation of subparagraph (A),

14 shall be liquidated or reliquidated as  
15 though such entry occurred on such date  
16 of enactment.

17 (ii) REQUESTS.—A liquidation or re-  
18 liquidation may be made under clause (i)  
19 with respect to an entry only if a request  
20 therefor is filed with U.S. Customs and  
21 Border Protection not later than 180 days  
22 after the date of the enactment of this Act  
23 that contains sufficient information to en-  
24 able U.S. Customs and Border Protec-  
25 tion—

1 (I) to locate the entry; or

2 (II) to reconstruct the entry if it  
3 cannot be located.

4 (iii) PAYMENT OF AMOUNTS OWED.—

5 Any amounts owed by the United States  
6 pursuant to the liquidation or reliquidation  
7 of an entry of an article under clause (i)  
8 shall be paid, without interest, not later  
9 than 90 days after the date of the liquida-  
10 tion or reliquidation (as the case may be).