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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Ms. BARRAGÁN introduced the following bill; which was referred to the Committee on _____

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—

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

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

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

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

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

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

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

1 (8) according to nonpartisan research, tariffs
2 on key building materials as of the date of the en-
3 actment of this Act will add billions of dollars to the
4 cost of home construction in the United States over
5 the coming years; and

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

9 **SEC. 3. PROCESS FOR EXCLUSION OF CERTAIN ARTICLES**
10 **USED IN HOME CONSTRUCTION FROM CER-**
11 **TAIN DUTIES.**

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

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

21 (1) the covered article is a critical homebuilding
22 product; or

23 (2) the Secretary determines—

24 (A) the covered article is not available in
25 sufficient quantities from domestic sources, tak-

1 ing into account domestic production capacity
2 and import dependency, to meet the needs of
3 the home construction industry in the United
4 States; and

5 (B) the exclusion of the article can likely
6 be administered by U.S. Customs and Border
7 Protection.

8 (c) DETERMINATION OF SUPPLY AVAILABILITY.—In
9 determining under subsection (b)(2)(A) whether a covered
10 article is available in sufficient quantities to meet the
11 needs of the home construction industry in the United
12 States, the Secretary shall consider domestic production
13 capacity, the extent of reliance on imports, and lead times
14 for domestic production of the covered article.

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

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

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

24 (e) RETROACTIVE APPLICATION.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, any entry of a covered article that
3 would have been subject to a lower rate of duty if
4 the entry had been made after the issuance of an ex-
5 clusion of the article from the imposition of a cov-
6 ered duty pursuant to the exclusion process estab-
7 lished under subsection (a) that was made—

8 (A) after the date of the enactment of this
9 Act,

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

12 (C) before the issuance of the exclusion,
13 shall be liquidated or reliquidated as though the
14 entry occurred after the issuance of the exclusion.

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

23 (A) to locate the entry; or

24 (B) to reconstruct the entry if it cannot be
25 located.

1 (3) PAYMENTS OF AMOUNTS OWED.—Any
2 amounts owed by the United States pursuant to the
3 liquidation or reliquidation of an entry of an article
4 under paragraph (1) shall be paid, without interest,
5 not later than 90 days after the date of the liquida-
6 tion or reliquidation (as the case may be).

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

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

22 (h) DEFINITIONS.—In this section:

23 (1) COVERED ARTICLE.—The term “covered ar-
24 ticle”—

1 (A) means any product used in the con-
2 struction or furnishing of a single-family home
3 or multi-family residential building and includes
4 any material or input used in the manufacture
5 of any such product; and

6 (B) does not include any rare earth ele-
7 ment or any product consisting primarily of one
8 or more rare earth elements.

9 (2) COVERED DUTY.—The term “covered duty”
10 means any duty on an article in excess of the rate
11 of duty in effect for that article on January 19,
12 2025, but does not include—

13 (A) an antidumping or countervailing duty
14 imposed under title VII of the Tariff Act of
15 1930 (19 U.S.C. 1671 et seq.); or

16 (B) a duty proclaimed pursuant to section
17 201 of the Trade Act of 1974 (19 U.S.C.
18 2251).

19 (3) CRITICAL HOMEBUILDING PRODUCT.—The
20 term “critical homebuilding product” means any
21 covered article classified under any heading or sub-
22 heading of the Harmonized Tariff Schedule of the
23 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

Heading or subheading of Harmonized Tariff Schedule of the United States

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
4418.99.91.95
7008.00.00.00
6802.99.00.50
4412.33.06.40
7009.92.50.95
6810.99.00.40
3922.10.00.00
4409.10.40.90
3925.20.00.10
4407.19.00.68
6807.90.00.10
4407.11.00.53
6910.10.00.10
4411.14.90.10
6802.93.00.25
6809.11.00.10
9406.90.01.90
6807.10.00.00
4407.11.00.01
4418.89.00.00
4418.75.70.00
3925.20.00.20
4418.29.80.30
6806.90.00.90
3214.10.00.20
4418.83.00.00
2523.21.00.00
9406.10.00.00
7019.80.10.90
4407.19.00.69
3918.10.20.00
3214.10.00.10
4421.99.94.00
6802.93.00.90
6907.22.90.51
4408.10.01.25

Heading or subheading of Harmonized Tariff Schedule of the United States

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4016.91.00.00
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4410.11.00.20
4411.14.10.00
6910.90.00.00
6811.82.00.00
6910.10.00.30
7007.29.00.00
4407.19.00.57
2520.10.00.00
4412.39.40.31
4412.49.00.00
4412.33.32.75
6802.99.00.90
6907.23.90.51
3925.30.50.00
4418.99.91.05
4412.33.06.70
6802.92.00.00
4418.19.00.00
6910.10.00.15
4412.92.52.05
6907.21.10.51
7006.00.40.10
6802.10.00.00
6910.10.00.50
6802.91.25.00
4412.39.40.69
4412.39.40.62
4407.19.00.67
4410.11.00.10
4407.12.00.59
4411.12.90.90
4407.19.00.01
4411.14.90.90
7003.19.00.00
3925.10.00.00
6907.23.90.11
7006.00.40.50
3918.90.10.00
3922.90.00.00
4407.11.00.52
6801.00.00.00
4412.39.40.11
2517.10.00.55
7016.10.00.00
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Heading or subheading of Harmonized Tariff Schedule of the United States

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4409.10.05.00
4407.29.02.20
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4411.12.10.00
6907.40.90.51
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6810.19.50.00
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4407.19.00.93
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4409.29.26.60
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Heading or subheading of Harmonized Tariff Schedule of the United States

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6802.23.00.00
4409.10.45.00
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4403.24.01.35
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6806.20.00.00
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Heading or subheading of Harmonized Tariff Schedule of the United States

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6802.93.00.60
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3214.10.00.90
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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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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

Heading or subheading of Harmonized Tariff Schedule of the United States

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
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

Heading or subheading of Harmonized Tariff Schedule of the United States

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
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) RARE EARTH ELEMENT.—The term “rare
4 earth element” means any of the following:

5 (A) Lanthanum.

6 (B) Cerium.

7 (C) Praseodymium.

8 (D) Neodymium.

9 (E) Samarium.

10 (F) Europium.

11 (G) Gadolinium.

12 (H) Terbium.

1 (I) Dysprosium.

2 (J) Holmium.

3 (K) Erbium.

4 (L) Thulium.

5 (M) Ytterbium.

6 (N) Lutetium.

7 (O) Yttrium.

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

12 (i) SUNSET.—

13 (1) IN GENERAL.—The Secretary may not
14 grant exclusions of covered article from covered du-
15 ties pursuant to the exclusion process established
16 under subsection (a) on or after October 1, 2029.

17 (2) CONTINUATION OF EXISTING EXCLU-
18 SIONS.—An exclusion of a covered article from a
19 covered duty pursuant to the exclusion process es-
20 tablished under subsection (a) that is granted before
21 October 1, 2029 shall remain in effect under the
22 terms and conditions of the exclusion process.