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Section 232 of the Trade Expansion Act of 1962

Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. §1862), allows the President to impose restrictions on goods imports or enter into negotiations with trading partners if the U.S. Secretary of Commerce determines, following an investigation, that the quantity or other circumstance of those imports "threaten[s] to impair" U.S. national security. Sec. 232 is one of several statutes under which Congress has delegated certain authorities over U.S. imports to the President.

Based on the findings of Sec. 232 investigations during both of his terms, President Trump has imposed tariffs on steel, aluminum, vehicles and auto parts, copper, timber and lumber, trucks and buses, and semiconductors. President Trump has also announced negotiations related to critical minerals and future tariffs for pharmaceuticals imports. Some Members support the President's use of Sec. 232 to impose these tariffs. Others argue that tariffs negatively impact the U.S. economy and relations with trading partners and support restricting presidential tariff authorities. Congress may continue or modify oversight of the President's use of Sec. 232 and consider whether to bolster, maintain, or curb the President's Sec. 232 authority.

Section 232 Process

Under Sec. 232, the head of any department or agency, or any "interested party," may request that the Secretary of Commerce investigate the effects of imports of a specific product on U.S. national security. The Commerce Secretary may also self-initiate an investigation. The Commerce Secretary must immediately give notice of any Sec. 232 investigation to the Secretary of Defense, who is using "Secretary of War" as a "secondary title" under Executive Order 14347 dated September 5, 2025. If a petitioner withdraws a request, Commerce may choose to terminate an investigation. The following discusses statutory requirements for the Sec. 232 process (see **Figure 1**).

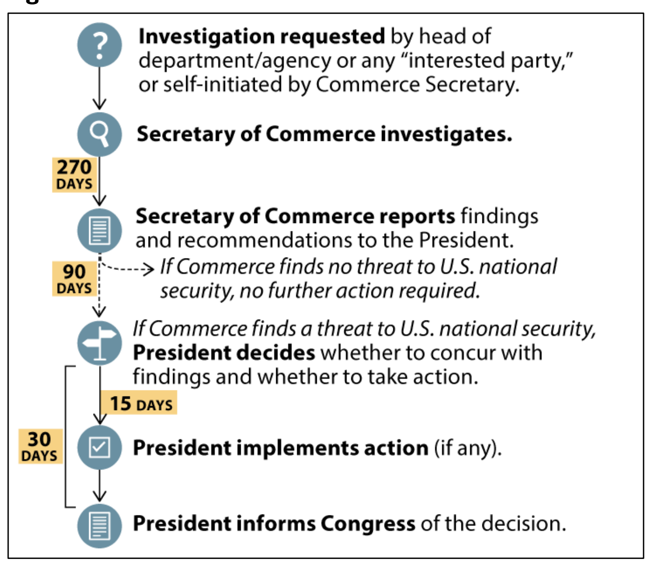
Investigation and Report. Commerce's Bureau of Industry and Security conducts Sec. 232 investigations. Commerce must "immediately initiate an appropriate investigation to determine the effects [of the subject imports] on the national security." Commerce is to consult with the Secretary of Defense and other "appropriate officers of the United States" and allow for public input if "appropriate and after reasonable notice." Within 270 days of initiating a Sec. 232 investigation, the Commerce Secretary must submit to the President a report on the investigation's findings on the effect of an imported good "in such quantities or under such circumstances" on U.S. national security and recommendations for action or inaction.

In conducting Sec. 232 investigations, the Secretary of Commerce and the President shall "recognize the close relation of the economic welfare of the Nation to our national security." Though Sec. 232 does not define "national security," it describes steps the Secretary of Commerce, in consultation with the Secretary of Defense, shall take "to determine effects on national security of imports of articles." Sec. 232 also lists certain nonexclusive defense and economic factors the Secretary of Commerce and the President must consider.

The *defense factors* are (1) domestic production required for projected U.S. defense needs; (2) capacity of domestic industry to meet such needs; (3) availability of the human resources, products, raw materials, production equipment and facilities, and other supplies and services essential to U.S. national defense; (4) growth requirements of domestic industry and related supplies and services to meet U.S. defense needs; and (5) the impacts of goods imports on U.S. industry and capacity to meet U.S. defense needs.

The *economic factors* are (1) "the impact of foreign competition on the economic welfare" of domestic industry; and (2) the "displacement" of U.S. products by "excessive imports" causing effects including "substantial unemployment," decreases in government revenues, and/or loss of investment and skills.

Figure 1. Overview of Section 232 Process



Source: CRS graphic based on 19 U.S.C. §1862.

Once Commerce completes its report, Sec. 232 requires any parts with unclassified or nonproprietary information to be published in the *Federal Register*. Commerce regulations (15 C.F.R. §705) state that an "executive summary" must be published in the *Federal Register* and that full copies of the report, excluding any classified or proprietary information, must be available for public inspection and copying. There is no specified timeline for publication. In December 2019, Congress enacted legislation (P.L. 116-93, Sec. 112) directing the Trump Administration to publish the report on a Sec. 232 investigation of auto imports in the *Federal Register* within 30 days of the bill's enactment. The Biden Administration published the report in 2021.

Presidential Action. If Commerce determines that there is no threat to U.S. national security, no further action is taken. If Commerce determines that there is such a threat, the President has up to 90 days to decide (1) whether to concur with Commerce's determination and (2) if concurring, whether to act. If the President opts to act, then the nature and duration of the action shall be specified, and the President has 15 days to implement that action. Within 30 days after deciding whether to take action, the President must submit a written statement to Congress providing the reasons for that decision.

If the President enters into negotiations with a trading partner and (1) after 180 days, no agreement is made, or (2) the agreement "is not being carried out or is ineffective in eliminating the threat" to national security, then Sec. 232 requires the President to take additional actions and publish them in the *Federal Register*.

In 1980, Congress amended Sec. 232 to include a disapproval mechanism to override presidential actions related to petroleum imports. During the 116th Congress, some Members proposed expanding this disapproval mechanism to all imports (S. 365/H.R. 1008).

Previous Actions Under Section 232

1962-2017. According to a Commerce report, from 1962 until the establishment of the World Trade Organization (WTO) in 1995, the United States initiated 24 Sec. 232 investigations or related actions. The United States found national security threats in eight cases (seven involving petroleum and one involving machine tools). Several presidents took actions against some petroleum imports, such as imposing embargos and fees. In the case of machine tools, the United States negotiated voluntary export restraint agreements with trading partners. Under voluntary export restraints, an exporting country puts self-imposed limits on its exports of a good to another country. In 1994, such arrangements were prohibited and phased out under the WTO Agreement on Safeguards.

From 1995 until the start of the first Trump Administration in 2017, the United States conducted two Sec. 232 investigations: petroleum (1999) and iron ore and semi-finished steel (2001). Commerce determined that petroleum imports threatened U.S. national security, but the President did not take action. Congress requested the iron ore and steel investigation; Commerce did not find a security threat.

2017-2021. During the first Trump Administration, Commerce completed seven Sec. 232 investigations: (1) aluminum, (2) steel, (3) automobile and automobile parts, (4) uranium, (5) titanium sponge, (6) transformers and transformer components, and (7) vanadium. In all completed investigations except for vanadium, Commerce found a threat to U.S. national security.

In 2018, President Trump imposed tariffs on steel and aluminum imports. He later modified the tariffs, granting certain product and country exemptions as well as negotiating import quotas and increasing tariff rates on specific countries and goods. For other goods, the Trump Administration conducted negotiations with trading partners. For uranium, President Trump did not concur with Commerce's finding of a national security threat, but announced the establishment of a working group.

2021-2025. The Biden Administration conducted a Sec. 232 investigation into neodymium-iron-boron (NdFeB) permanent magnets and found a threat to U.S. national security. President Biden concurred with Commerce's determination related to permanent magnets and announced various actions to improve supply chain resiliency.

2025-present. To date, the second Trump Administration has launched 12 Sec. 232 investigations. President Trump has announced the conclusion of six investigations, all of which found a threat to U.S. national security.

U.S. Trade Obligations

As a WTO member, the United States is obligated to not impose certain kinds of tariffs or trade barriers. WTO agreements allow WTO members to take measures to protect "essential security interests" as an exception to these prohibitions. U.S. free trade agreements such as the U.S.-Mexico-Canada Agreement (USMCA) include similar exceptions for trade measures related to national security. Some trading partners have challenged U.S. Sec. 232 tariffs via WTO dispute settlement mechanisms, alleging that Sec. 232 tariffs violate U.S. international trade obligations. The United States has maintained that its use of Sec. 232 falls under the essential security exception. Sec. 232 tariffs have also been a point of contention under USMCA.

Issues for Congress

Some Members supportive of U.S. tariff actions have proposed expanding presidential trade authorities (e.g., H.R. 735) or codifying existing Sec. 232 tariffs (e.g., H.R. 2873). Some Members have proposed changes to expand the scope of tariffs (e.g., S. 172). Others have urged the Administration to launch additional Sec. 232 investigations. Some Members have called for an exemption process to mitigate potential effects on the U.S. economy.

Some Members have proposed limits on presidential tariff authorities (e.g., S. 1272/H.R. 2665, H.R. 1903, H.R. 2712, H.R. 2842). Some supporters of such measures argue that Congress should play a larger role in setting and approving U.S. trade policy. Some Members have called for greater public engagement, transparency, and accountability with respect to the use of Section 232, including the timely publication of Commerce Department reports (e.g., S. 4563). At the request of some Members, the Government Accountability Office (GAO) issued a decision on whether the Sec. 232 report on copper imports is a rule subject to the Congressional Review Act (CRA), which allows Congress to overturn certain agency actions, subject to the President's veto. GAO concluded that the report does not meet the definition of a rule subject to the CRA.

Some groups argue that the Trump Administration's interpretation of national security is overly broad. Sec. 232 does not specifically define "national security threat," although it prescribes certain defense and economic factors to be considered, as explained above. Some groups argue that Congress should define national security threats (e.g., as in H.R. 1903). Others support a flexible definition of national security, holding that it allows the United States to respond quickly to evolving threats.

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