

A Trade ‘Security’ Safeguard

The Pentagon these days is less protectionist than Commerce.

By The Editorial Board

As President Trump wields his tariff sword at friend and foe, Congress has been struggling to restore a check on his unilateral whim. The latest idea would put the Pentagon in charge of deciding when imports threaten national security.

The Constitution gives Congress the authority to regulate foreign trade. But with Section **232 of the Trade Expansion Act of 1962**, Congress ceded to Presidents the power to impose tariffs when the **Commerce Department** decides that imports harm U.S. security. Presidents Nixon and Ford used the power to tax oil imports in the 1970s. **But Mr. Trump has used it like no other President** as a protectionist carte blanche, as Commerce has followed his orders to conjure threats from steel and aluminum imports and may soon do the same on autos and auto parts.

Enter Senate Republicans Rob Portman (Ohio) and Joni Ernst (Iowa) and Alabama Democrat Doug Jones, who are pitching the **Trade Security Act**. The bill’s main feature would take responsibility for investigating national-security trade threats away from Commerce and give it to the Defense Department, whose business is national security.

If Defense finds a security threat, Commerce and the U.S. Trade Representative would fashion a remedy. The President would decide on the remedy, but Congress would have the right to disapprove of his decision with a joint resolution in the House and Senate. This would expand Congress’s role in Section 232 cases, which is currently limited to disapproving a decision on oil imports.

Believe it or not, today’s **Pentagon is less protectionist than the civilian bureaucracy that is supposed to promote commerce.** U.S. weapons acquisition is global, and U.S. security strategy requires allies. Countries with strong U.S. trading ties tend to be allies.

In a memo last year to Commerce on steel and aluminum imports, Defense Secretary James Mattis noted that “the U.S. military requirements for steel and aluminum each only represent about three percent of U.S. production. Therefore, DoD does not believe that the findings in the reports impact the ability of DoD programs to acquire the steel or aluminum necessary to meet national defense requirements.”

We prefer the proposal from GOP Senators Bob Corker of Tennessee and Pat Toomey of Pennsylvania that would require the President to get congressional approval before the Administration can impose 232 tariffs. But for now that doesn't have the votes to pass the House or Senate, and the Portman-Jones effort might. If nothing else it would give free-trading Senators in both parties a chance to send a message to Mr. Trump that his political leave on trade has limits. It would also give farm state Senators a chance to show they're standing against tariffs that are damaging exports and farm income.

After the Smoot-Hawley disaster of 1930, Congress ceded trade power to Presidents on the assumption that they would open foreign markets and expand commerce. Mr. Trump is the first President to use this authority largely for protectionist ends. Restoring better judgment to Section 232 findings with Pentagon analysis and congressional oversight would restore some constitutional balance.