

Dept. of Commerce: Asks for public input on Section 232 steel and aluminum exclusion process

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WASHINGTON – The U.S. Department of Commerce’s Bureau of Industry and Security (BIS) is seeking public comments on how to improve the exclusion process for tariffs and quotas imposed on steel and aluminum imports under Section 232 of the Trade Expansion Act of 1962 (“Section 232”). The notice of inquiry, which went on public display today at the Federal Register, states that BIS will accept comment submissions from May 26, 2020 through July 10, 2020.

“The Department of Commerce is continually looking for ways to improve the exclusion process for Section 232 tariffs and quotas,” said Secretary of Commerce Wilbur Ross. “We want these critical national security measures to be applied effectively while avoiding unnecessary impacts on downstream American industries.”

Since the tariffs and quotas for steel and aluminum were instituted in 2018, Commerce has developed a process for manufacturers to request exclusions from the tariffs and quotas if those products cannot be produced in a sufficient quantity or quality in the U.S. or for national security reasons. The exclusion process also allows domestic steel and aluminum producers to object to an exclusion request by demonstrating they can provide the steel or aluminum item subject to the exclusion request, in a satisfactory quantity and quality. The Department conducts a thorough analysis of each exclusion request, objection, rebuttal, and surrebuttal it receives. This analysis assesses, on a case-by-case basis, whether the article at issue is produced in the United States in a sufficient and reasonably available amount and of a satisfactory quality. All decisions are available on publicly available [websites](#).

In the notice of inquiry, BIS is seeking public input on a number of topics related to the exclusion process including the appropriateness of the information requested and considered in applying the exclusion criteria and the process employed in rendering decisions on requests for exclusions.

Comments may be submitted to the Federal rulemaking portal (www.regulations.gov).

The [regulations.gov](http://www.regulations.gov) ID is: BIS-2020-0012. Commenters should refer to RIN 0694-XC058 in all comments and in the subject line of e-mail comments. Rebuttal comments will be accepted until August 10, 2020. Rebuttal comments may only address issues raised in comments filed on or before July 10, 2020.

For questions regarding this Notice of Inquiry, contact Erika Maynard at 202-482-5572 or via e-mail Erika.Maynard@bis.doc.gov. For general questions regarding this rule, contact the BIS Regulatory Policy Division at 202-482-2440 or via e-mail at rpd2@bis.doc.gov.