



ITA 232 PRODUCT EXCLUSIONS MANUAL

Enforcement and Compliance

(E&C) Document Version 16

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1. INTRODUCTION

In 2017, the Department of Commerce was asked to conduct an investigation into the impact on our national security from imports of steel mill products and from imports of wrought and unwrought aluminum. These investigations were carried out under Section 232 of the Trade Expansion Act of 1962, as amended.

On January 11, 2018, the DOC formally submitted to President Trump the results of the investigation.

On March 8, 2018, the President announced Presidential Proclamations 9704, 9705, 9711 and 9710 ordering Section 232 tariffs on imports of steel and aluminum. The Secretary of Commerce has the authority to grant exclusions from the duties, “if the steel or aluminum articles are determined not to be in a sufficient and reasonable available amount or of a satisfactory quality or based upon specific national security considerations.” Individuals or organizations using steel articles in business activities or supplying steel to outside parties in the U.S. may submit exclusion requests with respect to the Proclamation. In addition, any individual or organization in the U.S. can file objections to exclusions.

The DOC’s Bureau of Industry and Security (BIS) is leading the exclusion process. BIS is managing the review process of exclusion applications, which domestic industry has submitted, on a case-by-case basis in a fair and transparent manner. As part of the process, BIS is working closely with industry specialists within Commerce’s International Trade Administration (ITA). The Enforcement and Compliance (E&C) unit of the DOC’s ITA will be responsible for providing technical analyses for product exclusions related to the proceedings, and making recommendations on the Exclusion Requests.

This document outlines the business flow of the 232 exclusion process performed by BIS and E&C.

1.1 DOC BUSINESS PROCESS MAP FOR 232 EXCLUSIONS

PHASE I: BIS	PHASE II: BIS	PHASE III: E&C	PHASE IV: BIS
Pre-Clearance: Accept / Reject	Post & Comment Period	Evaluate & Recommend	Issue Decision
No Limit	30 Days	30 Days	30 days

Table 1: DOC BUSINESS PROCESS MAP

Day 1 begins with the posting of the exclusion request on www.regulations.gov

1.2 E&C ROLES AND RESPONSIBILITIES

The following table lists the distinct four buckets and attendant responsibilities for E&C. The four buckets are: i) ITA case intake; ii) In-depth Product Analysis; iii) Exclusion Request Analysis; and iv) Recommendation Memo Creation.

#	Exclusion Request Business Process	Objection Filing Request	Team
1	BIS to ITA Case Intake	Case Intake (if available)	Intake Team
2	Product Analysis Review	Product Analysis	SME* Team
3	General Analysis Review	General Analysis	Analysts
4	Recommendation Memo Generation	Recommendation Memo Generation	Analysts + E&C Management

Table 2: Business Process Map for E&C

*Subject Matter Expert (SME)

2. BIS- 232 BUSINESS ARCHITECTURE

The following subsections list the web portals in the process and the BIS-232's business architecture.

2.1 PUBLIC PORTAL – REGULATIONS.GOV

The Regulation.gov portal below is where BIS posts exclusions requests, which is accessible to public and where outside parties may submit comments and objections. Steel ERs can be located using docket number is BIS-2018-0006 and aluminum ERs can be found using docket number BIS-2018-0002.

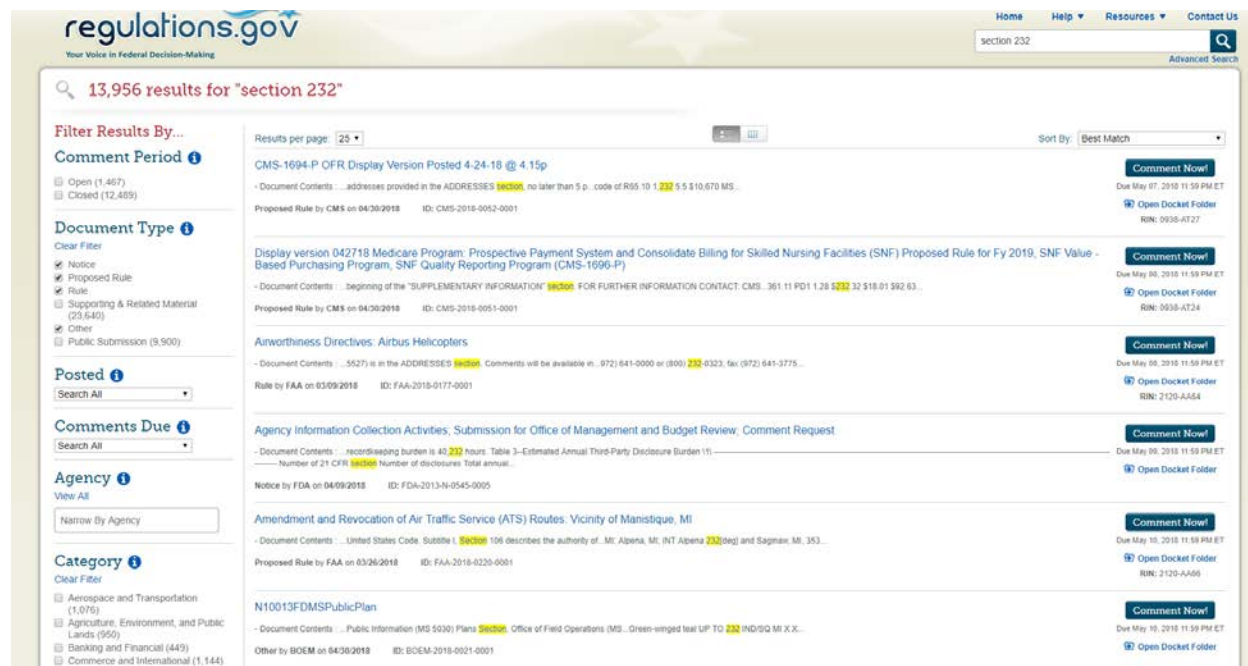


Figure 1: Public facing Web Portal for 232 Exclusions

2.2 DOCKET MANAGEMENT PORTAL – FDMS.GOV

Just for situational awareness, the second portal is FDMS.gov as shown below. BIS exclusively manages this site. On this portal, the docket manager will publish new dockets, and manage “Exclusion Requests” and “Objection Forms”. A public party can access documents on Regulations.gov site, when a document is published on FDMS.gov portal and enabled for public viewing.



fdms.gov
Your Agency's Docket Management System

Please enter your login information below.
If you do not have a login, please [click here to register](#)

Username

Password

Login

Did you forget your username or password? [click here for help](#)

You are requesting access to an official United States Federal Government application. The use of this application is for authorized purposes only. The Federal Government may monitor or audit use and accessing this application constitutes consent to such surveillance. Unauthorized attempts to upload and/or change information on this website is strictly prohibited under the computer fraud and abuse act of 1986 and title 18, usc, sec 1001 and 1030(a)(4) and may carry a punishment of 5 years imprisonment and/or a \$250,000 fine.

By logging into this system, you acknowledge that you understand the responsibilities of using this system and will comply with the Rules of Behavior for FDMS. See [Rules of Behavior](#) for additional details.

If you are looking for the Regulations.gov public site, find it at www.regulations.gov.

USA.gov * E-GOV

[About Us](#) | [Privacy & Security Notice](#) | [Accessibility](#) | [Contact Us](#) | [USA.gov](#) | [E-Gov.gov](#)

Figure 2: FDMS.gov login page

2.3 INTERAGENCY RESPONSE PORTAL –MAX.GOV

Max.gov is shown below. The Docket Manager will publish docket packages (exclusion request and related objections) from FDMS.gov after 33 days have passed from the original document (Exclusion Request) submission date. This is where ITA will upload its final decision memos for each ER.

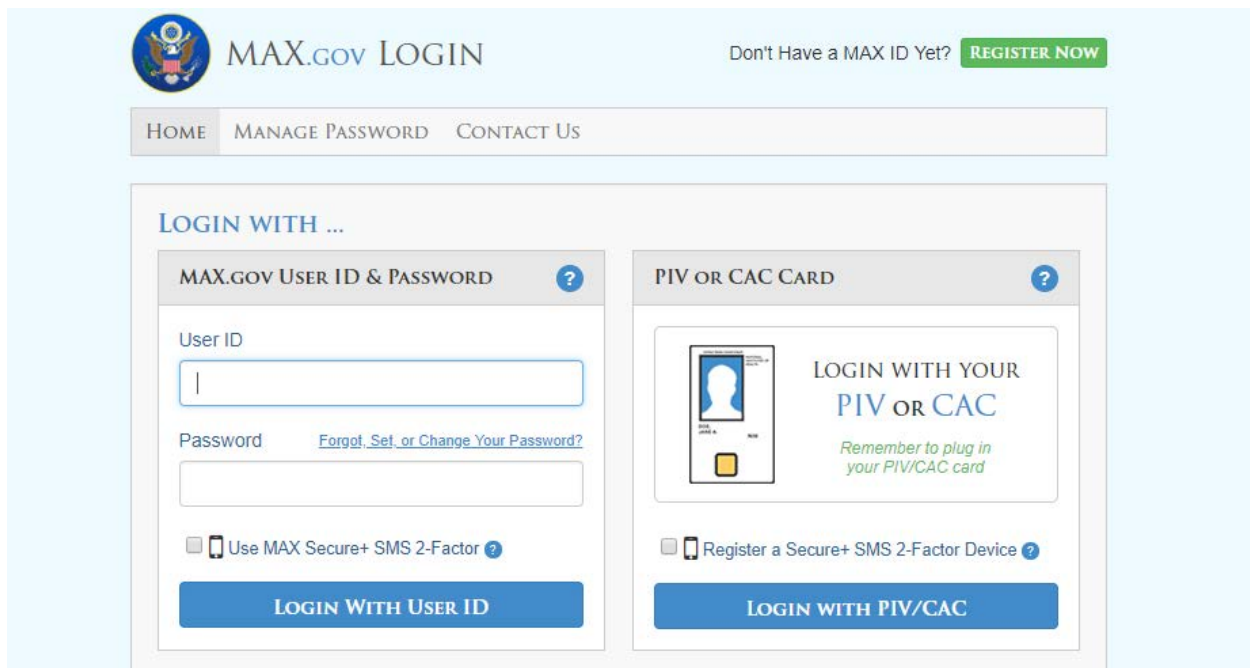
The image shows the MAX.gov LOGIN page. At the top left is the MAX.gov logo, which includes the U.S. Department of Justice seal. To its right is the text "MAX.gov LOGIN". Further right is a link "Don't Have a MAX ID Yet?" followed by a green button labeled "REGISTER NOW". Below this is a navigation bar with links: "HOME", "MANAGE PASSWORD", and "CONTACT Us". The main content area is titled "LOGIN WITH ...". It contains two side-by-side login panels. The left panel is titled "MAX.GOV USER ID & PASSWORD" and features a "User ID" input field, a "Password" input field, a link "Forgot, Set, or Change Your Password?", a checkbox for "Use MAX Secure+ SMS 2-Factor", and a blue button "LOGIN WITH USER ID". The right panel is titled "PIV OR CAC CARD" and features an image of a PIV/CAC card, the text "LOGIN WITH YOUR PIV OR CAC", a reminder "Remember to plug in your PIV/CAC card", a checkbox for "Register a Secure+ SMS 2-Factor Device", and a blue button "LOGIN WITH PIV/CAC".

Figure 3: Max.gov Login Page

3. BIS FORMS: EXCLUSION REQUEST & OBJECTION FILING PETITIONS

As referenced in Section 1.1, BIS will be responsible for initiating the BIS-232 exclusion process phases 1 and 2. A public party can submit an ER ([click here](#)) or raise an objection ([click here](#)) to the ER.

After publishing the ER on Regulations.gov, the public party shall have 30 days from the original date of the ER submission posting on Regulations.gov, and objections will not be accepted after 30 days from the posting date.

All phases (2, 3, and 4) must be completed within 30 days, and the final document package is submitted to ITA and other inter-agency partners for comments and review.

5. IN-DEPTH PRODUCT ANALYSIS

In this second bucket, the subject matter expert (SME) product team reviews the BIS Exclusion Request form to complete the following **three** fields on the ITA analysis form prior to the exclusion request being assigned to the analyst(s) who will complete the analysis.

Note: Please double check the 3 fields for discrepancies caused by ERs or SMEs (e.g., typos).

--Short Product Name: *Some creativity and flexibility are required here. Try to distinguish one company's similar products from each other, and at the same time, to be consistent across companies for broader categories (e.g., OCTG, tin plate, etc.).*

--Product Analysis (e.g., inconsistencies, errors, ambiguities): *Details on HTSUS code conflicts and or other internal conflicts throughout the BIS exclusion request form as it relates to the product description. For example, in BIS form data field #2J a tensile strength range x to y is referenced but in data field #3B a different range is identified. If objections are submitted, and if those objections challenge the consistency of the product description with the product code and or identify other inconsistencies, errors, and/or ambiguities in the product description information provided by the requestor, the analyst(s) assigned to the exclusion request will consult with the SME product team.*

	A	B	C
1			
2	ITA Section 232 Exclusion Request Review Template (attribu		
3	Exclusion Request #	(b) (4)	
4	10-Digit HTSUS Code		
5	Requesting Party		
6	Short Product Name	Tin Plate 0.205mm X 866mm	
7	Date Posted on Regulations.gov	(b) (5)	
8	Transmission by BIS to ITA		
9	ITA Review Completion Date		
10	ITA Reviewers		
11	A. Recommendation		
12	1. ITA Recommendation	Pending	
13	2. Duration (days)	0	
14	3. Country(ies) of Export	(b) (4)	-
15	4. Country(ies) of Origin		-
16	5. Quantity per Country (kg)		0 kg
17	6. Total Quantity Requested (kg)		
18	B. Company Background		
19	1. Company Name	(b) (4)	
20	2. City		
21	3. State		
22	4. Parent Company HQ Location		
23	5. Requester Company Activity		
24	C. Product Background		
25	1. Class of steel product for exclusion	Carbon and Alloy Flat	
26	2. Commercial name(s)	(b) (4)	
27			
28	3. HTSUS # Subject to AD/CVD?	No	
29	4. Is product description consistent with HTSUS code?	Yes	
30	5. Product Analysis (e.g., inconsistencies, errors, ambiguities)	None.	

Figure 25: Entering In-Depth Product Analysis in Three Key Data Fields

6. IDENTICAL & SUBSTITUTE PRODUCT AVAILABILITY ANALYSIS

In this third bucket, the general product analysis team reviews the exclusion request and objection filing documentation packages and provides analysis for a decision memo recommendation.

Please save the ITA Analysis form in the same P: drive location where you originally saved it.

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When reviewing the exclusion requests, please consult the ITA Checklist for Exclusion Requests. See Appendix G.

When reviewing objection filing requests, please consult the ITA Checklist for Objection Requests. See Appendix H.

Important Notes for ITA Analysts Sheet:

For question #5 in the ITA Analysis Sheet, please keep in mind this question relates to how long it will be until a U.S. producer is capable of beginning production of the product (or substitute), following for example additional new capacity, retooling of existing production lines, and so on.

For the ER, this typically would be “N/A” (though check request and supporting documentation). It is more likely that an objector might refer to this.

For question #6 in the ITA Analysis form, this is intended to cover the time from order to actual delivery to the customer location.

For import delivery time, this typically would be the days figure in BIS ER Form #2D (though scrutinize the #2D, #2E, #2F fields to make sure ER hasn’t misinterpreted the questions).

For domestic delivery time, this typically would be found in the BIS Objection Form #2B + #3D (though scrutinize #3B, #3C, #3D and accompanying “Comments” box, to make sure objector hasn’t misinterpreted the questions).

7. DECISION MEMO CREATION AND APPROVAL

In this fourth bucket, the policy team synthesizes all the previous building blocks for an exclusion request, develops a decision memo which includes the ITA analysis form, and submits it on max.gov. Finalized decision memos are located on the P: drive in these directories.

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[Redacted]
[Redacted]

(b) (5) [Redacted]
[Redacted]
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[Redacted]
[Redacted]
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[Redacted]
[Redacted]
[Redacted]
[Redacted]

Important Notes for Memo Format and Standardized Language:

- There is ALWAYS an introductory paragraph at the top of each recommendation memo.
- The pronoun should be ITA, not “We,” in the ITA analysis and recommendation sections.
- Check the verb tense for ITA. It should read, “ITA recommends, or ITA notes...”
- There is ALWAYS a descriptor in the recommendation section (i.e., what is the basis for our recommendation) taken from the analysis section.
- See memo recommendations for denials as real cases (pages 25-27).
- See recommendation memo boiler templates (pages 28-33).
 - Individual approval
 - Bundled approvals
 - Individual denial
 - Bundled denials

8. HANDLING PUBLIC INQUIRIES

If you receive any public inquiries, please direct them to the following coordinates below:

- Director, Industrial Studies, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce
- (202) 482-5642, Steel232@bis.doc.gov regarding steel exclusion requests
- (202) 482-4757, Aluminum232@bis.doc.gov regarding aluminum exclusion requests

9. NON-DISCLOSURE AGREEMENT

Contractors are prohibited from disclosing business proprietary information (BPI) or business confidential information in the 232 product exclusion process administered by the Department of Commerce.

E&C contractors may require access to BPI or other protected or sensitive information in order to fulfill their routine duties while working for E&C. E&C contractors may encounter, observe or hear discussed BPI, or other protected and sensitive information, while working in the E&C office space in the vicinity of E&C and other Department of Commerce staff.

E&C contractors must adhere to specific commitments and obligations regarding their access to, and treatment of, any such BPI or otherwise protected and sensitive information.

See Non-disclosure Agreement that E&C contractors must sign (Appendix T).

APPENDIX A: ITA 232 PRODUCT EXCLUSION BUSINESS PROCESS

EXCLUSION REQUESTS OBJECTION REQUESTS CORE TEAM MEMBERS

I.	CASE INTAKE AND ITA DOCKET MANAGEMENT	CASE INTAKE OF ITA DOCKET MANAGEMENT	TEAM MEMBERS
	<p>--GO TO REGULATIONS.GOV AND SAVE LATEST BIS STEEL OR ALUMINUM EXCEL AND SUPPORTING PDF FORMS.</p> <p>--TRANPOSE BIS EXCEL DATA TO ITA FORM.</p> <p>--SAVE ITA FORMS WITH CORRESPONDING DATA FROM BIS FORM USING REGS.GOV NAME</p>	<p>--GO TO REGULATIONS.GOV AND SAVE LATEST BIS OBJECTION EXCEL IN 'BIS FORMS' FOLDER. SAVE SUPPORTING PDF FORMS IN 'SUPPORTING DOCUMENTS' FOLDER, IF ANY.</p>	<p>ALUMINUM 0002:</p> <p>STEEL 0006:</p>
II.	IN-DEPTH PRODUCT ANALYSIS BY SMES	IN-DEPTH PRODUCT ANALYSIS BY SMES	TEAM MEMBERS
	<p><u>C3. CROSS REFERENCE # TO AD/CVD HTUS NUMBER LIST PROVIDED BY CUSTOMS LIAISON UNIT</u> THIS WILL BE AUTOMATICALLY MERGED</p> <p>C4. COMPARE PRODUCT DESCRIPTION THROUGHOUT BIS DOCUMENT TO THE 10-DIGIT HTUS CODE.</p> <p>C5. IDENTIFY INCONSISTENCIES, ERRORS, AND AMBIGUITIES BETWEEN VARIOUS REFERENCES OF PRODUCT DESCRIPTIONS THROUGHOUT THE BIS FORM.</p> <p>--ASSIGN SHORT PRODUCT NAME</p>	<p>--SCAN OBJECTOR'S RESPONSE TO SEE IF IT CHALLENGES ANY OF THE EXCLUSION REQUESTOR'S CLAIMS, I.E., CONSISTENCY OF HTSUS NUMBER AND PRODUCT DESCRIPTION</p> <p>--REVIEW ALL RESPONSES INCLUDING EXCEL AND PDF DOCUMENTATION SUBMITTED BY OBJECTOR.</p>	<p>ALUMINUM 0002:</p> <p>STEEL 0006:</p>
III.	GENERAL EXCLUSION REQUEST ANALYSIS	GENERAL OBJECTOR POSITION ANALYSIS	TEAM MEMBERS
	IDENTICAL PRODUCT ISSUES		
	<p>"D1. IS THE IDENTICAL PRODUCT CURRENTLY PRODUCED IN THE U.S.?</p> <p>REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO BIS FIELDS #2B, #4E, #5C, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED. INDICATE QUANTITY REQUESTED.</p>	<p>CITE OBJECTOR NAME, AND REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO #1B, #1D, #2B, #3E, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p>	
	<p>"D2. IF NOT MADE IN THE U.S., ARE U.S. PRODUCERS PREPARED TO IN A U.S. FACILITY WITH EXISTING CAPACITY?</p> <p>IF D1 IS YES, THEN TYPE N/A UNLESS REQUESTER PROVIDES AN EXPLANATION FOR WHY THOSE PRODUCERS WOULD NOT BE PREPARED TO PRODUCE IN THE FUTURE.</p> <p>IF D1 IS NO, THEN REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO BIS FIELDS #2B, #4E, #4f, #5A, #5B, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p>	<p>CITE OBJECTOR NAME, AND REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO #1B, #1D, #2B, #3E, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p>	
	<p>"D3. IF NOT MADE IN THE U.S., ARE U.S. PRODUCERS PREPARED TO PRODUCE IN A U.S. FACILITY BY BUILDING ADDITIONAL CAPACITY?</p> <p>IF D1 IS YES, THEN TYPE N/A UNLESS REQUESTER PROVIDES AN EXPLANATION FOR WHY THOSE PRODUCERS WOULD NOT BE PREPARED TO PRODUCE IN THE FUTURE.</p> <p>IF D1 IS NO, THEN REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO BIS FIELDS #2B, #4G, #5A, #5B, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p>	<p>CITE OBJECTOR NAME, AND REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO #1B, #1D, #2B, #3E, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p>	<p>ALUMINUM 0002:</p>
	<p>"D4. CAN U.S. MANUFACTURER(S) DELIVER REQUIRED QUANTITIES IN TIME TO MEET NEEDS OF EXCLUSION REQUESTOR?</p> <p>IF D1 IS YES, THEN TYPE N/A UNLESS REQUESTER PROVIDES AN EXPLANATION FOR WHY THOSE PRODUCERS WOULD NOT BE PREPARED TO PRODUCE IN THE FUTURE.</p> <p>IF D1 IS NO, THEN REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO BIS FIELDS #2B, #4E, #5A, #5B, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p>	<p>CITE OBJECTOR NAME, AND REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO #1B, #1D, #2A, #2B, #3A, #3E, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p>	<p>STEEL 0006:</p>

	<p>"D5. HOW MANY WEEKS WOULD BE REQUIRED TO RAMP UP PRODUCTION FOR DELIVERY OF REQUESTOR'S PRODUCT (1-52 WEEKS)?</p> <p>THIS IS NOT CAPTURED DIRECTLY IN THE BIS FORM ANYWHERE; REVIEW THE BIS FORM AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p> <p>"D6. WHAT IS DOMESTIC VS. IMPORTED DELIVERY TIME LAG?</p> <p>IMPORT DELIVERY TIME IS BIS FIELD #2D. FOR DOMESTIC DELIVERY TIME, SCAN ENTIRE BIS FORM AND SUPPORTING PDF DOCUMENT FOR ANY INFORMATION.</p> <p>"D7. IS THE PRODUCT AVAILABLE FROM AN EXEMPTED COUNTRY?</p> <p>REVIEW BIS FIELD #4F FOR EXEMPTED COUNTRIES AND CROSS-REFERENCE AGAINST OFFICIAL LIST OF EXEMPTED COUNTRIES.</p>	<p>CITE OBJECTOR NAME, AND REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO #1B, #1D, #2A, #2B. #3A. #3E, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p> <p>FOR DOMESTIC DELIVERY TIME, SCAN THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO #3B, #3C, AND #3D AND THE COMMENTS FIELD. DOMESTIC DELIVERY = #3B + #3D. REVIEW COMMENTS CAREFULLY TO SEE HOW THIS IS INTERPRETED.</p> <p>THIS IS NOT CAPTURED DIRECTLY IN THE BIS FORM; REVIEW THE BIS FORM AND ANY SUPPORTING PDF DOCUMENT, IF AVAILABLE. ALSO, REFER TO LIST OF EXEMPTED COUNTRIES.</p>	
III.	GENERAL EXCLUSION REQUEST ANALYSIS	GENERAL OBJECTOR POSITION ANALYSIS	TEAM MEMBERS
	SUBSTITUTE PRODUCT ISSUES		
	<p>"E1. ARE THERE SUBSTITUTE U.S. PRODUCED PRODUCTS THAT SERVE THE NEED OF THE EXCLUSION REQUESTOR?</p> <p>REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO BIS FIELDS #2B, #4G, #5A, #5C, #5D, AND ANY PDF DOCUMENT IF PROVIDED.</p> <p>"E2. IF NOT, WHAT MAKES THE PRODUCT UNIQUE?</p> <p>REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO #2B, #2J, #4G, #5A, #5C, #5D AND ANY PDF DOCUMENT IF PROVIDED.</p> <p>"E3. IF NOT MADE IN THE U.S., ARE U.S. PRODUCER(S) PREPARED TO PRODUCE IN A U.S. FACILITY WITH EXISTING CAPACITY?</p> <p>IF E1 IS YES, THEN TYPE N/A UNLESS REQUESTER PROVIDES AN EXPLANATION FOR WHY THOSE PRODUCERS WOULD NOT BE PREPARED TO PRODUCE SUBSTITUTES IN THE FUTURE.</p> <p>IF E1 IS NO, THEN REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO BIS FIELDS #2B, #4G, #5A, #5C, #5D, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED. "</p> <p>"E4. IF NOT MADE IN THE U.S., ARE U.S. PRODUCER(S) PREPARED TO PRODUCE IN A U.S. FACILITY BY BUILDING ADDITIONAL CAPACITY?</p> <p>IF E1 IS YES, THEN TYPE N/A UNLESS REQUESTER PROVIDES AN EXPLANATION FOR WHY THOSE PRODUCERS WOULD NOT BE PREPARED TO PRODUCE SUBSTITUTES IN THE FUTURE.</p> <p>IF E1 IS NO, THEN REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO BIS FIELDS #2B, #4G, #5A, #5C, #5D, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED. "</p> <p>"E5. CAN U.S. PRODUCER(S) DELIVER REQUIRED QUANTITIES IN TIME TO MEET NEEDS OF THE EXCLUSION REQUESTOR?</p> <p>IF E1 IS YES, THEN TYPE N/A UNLESS REQUESTER PROVIDES AN EXPLANATION FOR WHY THOSE PRODUCERS WOULD NOT BE PREPARED TO PRODUCE SUBSTITUTES IN THE FUTURE.</p> <p>IF E1 IS NO, THEN REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO BIS FIELDS #2B, #4G, #5A, #5C, #5D, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED. "</p> <p>"E6. HOW MANY WEEKS WOULD BE REQUIRED T ORAMP UP PRODUCTION FOR DELIVERY OF REQUESTOR'S PRODUCT (1-52 WEEKS)?</p> <p>THIS IS NOT CAPTURED DIRECLY IN THE BIS FORM; REVIEW THE BIS FORM AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED FOR SUCH INFORMATION.</p>	<p>REVIEW THE ENTIRE BIS FORM INCLUDING BUT NOT LIMITED TO #1E, #1F, #3A, AND ANY SUPPORTING PDF DOCUMENT, IF AVAILABLE.</p> <p>REVIEW THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO BIS FIELDS #2A, #2B, #3A , AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p> <p>REVIEW THE ENTIRE BIS FORM INCLUDING BUT NOT LIMITED TO #1E, #3A, #3E, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p> <p>REVIEW THE ENTIRE BIS FORM INCLUDING BUT NOT LIMITED TO #1E, #1F, #3A, #3E, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p> <p>REVIEW THE ENTIRE BIS FORM INCLUDING BUT NOT LIMITED TO #1E, #1F, #2A, #3A, #3E, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED.</p> <p>REVIEW THE BIS FORM INCLUDING BUT NOT LIMITED TO #1E, #1F, #3C, #3D COMMENT BOX, AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED FOR SUCH INFORMATION.</p>	<p>ALUMINUM 0002:</p> <p>STEEL 0006:</p>

	"E7. WHAT IS DOMESTIC VS. IMPORTED DELIVERY LAG TIME? THIS IS NOT CAPTURED DIRECTLY IN THE BIS FORM; REVIEW THE BIS FORM AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED FOR SUCH INFORMATION.	FOR DOMESTIC DELIVERY TIME, SCAN THE ENTIRE FORM INCLUDING BUT NOT LIMITED TO #3B, #3C, AND #3D AND THE COMMENTS FIELD. DOMESTIC DELIVERY = #3B + #3D. REVIEW COMMENTS CAREFULLY TO SEE HOW THIS IS INTERPRETED.
	"E8. IS PRODUCT AVAILABLE FROM AN EXEMPTED COUNTRY? THIS IS NOT CAPTURED DIRECTLY IN THE BIS FORM; REVIEW THE BIS FORM AND ANY SUPPORTING PDF DOCUMENT IF PROVIDED FOR SUCH INFORMATION.	THIS IS NOT CAPTURED DIRECTLY IN THE BIS FORM; REVIEW THE BIS FORM AND ANY SUPPORTING PDF DOCUMENT, IF AVAILABLE. ALSO, REFER TO LIST OF EXEMPTED COUNTRIES.
IV.	CREATE DECISION MEMO FOR APPROVAL	
	REVIEW EXCLUSION REQUEST AND OBJECTION FILING DOCUMENTATION CREATE MEMO FOR APPROVAL SUBMIT RECOMMENDATION ON MAX.GOV	ANALYSTS (b) (6)

APPENDIX B: EXCLUSION REQUESTOR FORM FOR ALUMINUM

OMB Control Number: 0694-0139				Expiration Date: 9/12/2018			
Request for Exclusion from Remedies: Section 232 National Security Investigation of Aluminum Imports							
<p>Exclusion Request Requirements: Only individuals or organizations operating in the United States that use aluminum products (e.g. slab, billets, ingots, extrusions, rod and bar, sheet and plate, foil, pipe and tube, castings and forgings, etc.) in business activities (e.g., construction, manufacturing, supplying aluminum product to users) in the United States may submit an Exclusion Request. For an Exclusion Request to be considered, the Exclusion Requester must provide factual information on 1) the single type of aluminum product they require using a 10-digit HTSUS code, including its specific dimension; 2) the quantity of product required (stated in kilograms) under a one-year exclusion; 3) a full description of the properties of the aluminum product it seeks to import, including chemical composition, dimensions, strength, toughness, ductility, magnetic permeability, surface finish, coatings, and other relevant data. Exclusion Requests must be submitted using this Excel-based document. Paper submissions will not be accepted.</p> <p>A separate Exclusion Request must be submitted on each distinct type and dimension of aluminum product to be imported. All applicable question blocks in the form must be completed for the Exclusion Request to be accepted. Exclusion Requests will be denied if the applicant: 1) does not sufficiently address the specified reporting requirements; 2) cites the improper HTSUS code, or 3) provides incorrect product descriptions.</p> <p>Organizations electing to attach supporting documents must provide these documents in PDF format and it must not exceed 25 pages. All information submitted in the Exclusion Request is subject to public disclosure. Do not provide sensitive Personally Identifiable Information.</p> <p>Organizations should upload their completed Exclusion Request pertaining to an aluminum product to www.regulations.gov under Docket Number BIS-2018-0002. An Exclusion Request may be submitted at any time. Processing of an Exclusion Request will take approximately 90 business days. Notification of granted Exclusions will be posted on www.regulations.gov. For questions related directly to completing this form, contact BIS via email (Aluminum232@bis.doc.gov) or telephone (202-482-4757).</p>							
1.a	Identify the class of Aluminum product for which the Exclusion is sought:				10-Digit Harmonized Tariff Schedule Code of the United States (HTSUS) for the single aluminum product covered by this request: (See https://www.usitc.gov/publications/docs/tata/hts/bychapter/0900c72_0.pdf)		
1.b	Requesting Organization Information				Importer of Record for Organization Requesting an Exclusion		
	Full Organization Legal Name				Full Organization Legal Name		
	Street Address				Street Address		
	City				City		
	State				State		
	Zip Code				Zip Code		
	Headquarters Country				Headquarters Country		
	Point of Contact Name				Point of Contact - Representative Name		
	Phone Number				Phone Number		
	E-mail Address				E-mail Address		
	Web Site Address				Web Site Address		
	Parent Company of Requesting Organization				Requester's Authorized Representative/Agent (If applicable)		
	Full Organization Legal Name				Requester Point of Contact Name		
	Street Address				Point-of-Contact Organization		
	City				Country Location		
	State/Province				Phone Number		
	Zip Code/Postal Code				E-mail Address		
Headquarters Country				Web Site Address			
Web Site Address				Other Information			
1.c	Does the parent organization hold ownership in (partially or completely), or is it otherwise engaged as an: Aluminum Manufacturer; Aluminum Distributor; Aluminum Exporter or, Aluminum Importer? If "Yes" identify the activity.				If "Yes" - Identify the organization		Identify the country where the organization is headquartered
	Comments:						
1.d	Identify the primary type of aluminum activity of the Exclusion Requester:			Total Requested Annual Exclusion Quantity in Kilograms (1 metric ton = 1,000 kilograms)			
Comments:							
Continued on Next Page							

Request for Exclusion from Remedies: Section 232 National Security Investigation of Aluminum Imports - <i>Continued</i>														
2.a	Average annual consumption for years 2015-2017 of the aluminum product that is subject of this Exclusion Request - Kilograms													
2.b	Explain why your organization requires an Exclusion using 1) the drop-down box and 2) by providing written comments in the space provided below.													
	Comments:													
2.c	Identify the percentage of total aluminum product covered under this Exclusion Request not available from aluminum manufacturers in the United States:													
2.d	Estimate the number of days required to take delivery of the aluminum product covered by this Exclusion Request, from the time the purchase order is issued by your organization:													
2.e	Estimate the number of days required to manufacture the aluminum product covered by this Exclusion Request, from the time a binding purchase order is executed:													
2.f	Estimate the number of days required to ship the aluminum product covered under this Exclusion Request, from the foreign port of departure to the Exclusion Requester's loading dock:													
2.g	Estimate the number of distinct shipments from the foreign port(s) of departure that will be needed for transporting to the United States the aluminum product subject to this Exclusion Request:													
2.h	Identify the U.S. Destination Port(s) of Entry through which the aluminum product subject to this Exclusion Request would be transported:													
	Port 1	Port 2	Port 3	Port 4	Port 5	Port 6	Port 7							
2.i	Is the organization making this Exclusion Request doing so on behalf of a non-U.S. aluminum producer that does not manufacture aluminum products in the United States?													
	If "Yes" identify the non-U.S. aluminum producer					Identify the country where the organization is headquartered								
	Comments:													
2.j	Exclusion Request Product Information													
	For this single Exclusion Request, provide a full, complete description of the product in the space provided below. * See explanation below. The product for which an Exclusion is being requested is defined as follows:													
	<p>* With regard to the product for which an Exclusion is requested, such a description must be limited to a single product. The description must be limited solely to physical properties (e.g., chemical requirements, mechanical requirements, dimensions, etc.) and exact descriptive terms/phrases covering the product subject to the Exclusion Request (e.g., “hot-rolled,” “seamless pipe,” “suitable for use in boilers,” “longitudinally submerged arc welded,” etc.).</p> <p>All such physical properties must be defined based on actual, rather than nominal, measurements; references to specific dimensions (e.g., “cross-sectional diameter of 5.50 mm”) or measurements (e.g., “yield strength of 300 MPa,” “carbon content 0.08%,” etc.) will be interpreted as meaning the exact dimension or measurement. Ranges (e.g., “cross-sectional diameter falling within the range 5.35 mm and 5.65 mm,” “yield strength greater than or equal to 300 MPa,” “carbon content less than or equal to 0.15%, by weight,” etc.) are allowed. Where a range is needed, it should be identified based on the end points of the range (as in the examples above), rather than through references to absolute or percentage tolerances.</p>													
	Comments:													
2.k	Identify the standards organizations that have set specifications for the product type that is the subject of this Exclusion Request, and provide the reference designation(s) for the identified standards organization(s), (e.g., ASTM A108-13):			Organization	Designation		Organization	Designation		Organization	Designation			
			1			3			5					
			2			4			6					
			Other (specify)			Other (specify)			Other (specify)					
2.l	General Aluminum Product Description													
	Identify the classification and properties of the aluminum product covered under this Exclusion Request. Other classification or properties may be described in the Comment box below. (Select all that apply)													
	Slab	Blooms	Billets	Ingots	Fittings	Flat	Long	Beams	Semi-Finished	Pipe	Tube	Stainless	Hot Rolled	Cold Rolled
	Annealed	Plated	Electro-Plated	Galvanized	Electro-Galvanized	Zinc Plated	Aluminum Plated	Lead Plated	Tin Plated	Painted	Varnished	Plasticized	Pickled	Other (Use Comment Box)
	Comment:													

Request for Exclusion from Remedies: Section 232 National Security Investigation of Aluminum Imports - Continued

3.a

State the chemical composition of the specific aluminum product for which your organization seeks an Exclusion.

Chemical Composition													
Chemical	Aluminum	Antimony	Bismuth	Boron	Carbon	Chromium	Cobalt	Copper	Iron	Lead	Magnesium	Manganese	Nickel
Minimum %													
Maximum %													
	Niobium	Nitrogen	Phosphorous	Selenium	Silicon	Sulfur	Tin	Titanium	Tungsten	Vanadium	Zinc	[Other - List Below]	[Other - List Below]
Minimum %													
Maximum %													
Comments:													

3.b

Provide information on the single aluminum product that is the subject of this Exclusion Request: 1) dimensional information for the single aluminum product and a single size - not a range of products and or sizes (e.g., 19 mm dia. rebar - not 19, 22, 25, and 29 mm.) A separate Exclusion Request must be submitted for each aluminum product by physical dimension; 2) performance data for tensile strength, yield strength, hardness, impact, shear and test temperature.

Aluminum Product Specifications (Millimeters)							Strength			Toughness (If Applicable)			
	Thickness	Inside Diameter	Outside Diameter	Length	Width	Height	Tensile Strength Mega Pascal (MPa)	Yield Strength Mega Pascal (MPa)	Hardness (specify method below - Brinnell, Rockwell, Vickers, etc.)	Test Type	Drop-Weight Tear Testing	Impact (Charpy) Testing	Other (specify type in comment box)
										Temperature (°C)			
Minimum										Joules			
Maximum										% Shear			
Comments:													

3.c

Provide the following information on the single aluminum product that is the subject of this Exclusion Request: 1) performance data for ductility and surface finish; and 2) metal coating process, material type, weight, and thickness.

	Global Ductility		Local Ductility (If Applicable)			Surface Finish (If Applicable)	Coating Type and Composition (If Applicable)					
	Elongation %	Reduction -in-Area %	Hole Expansion %	Bendability (Bend Radius/Sheet Thickness [millimeter])			Profilometer - [SAE J911]	Coating Method	Coating Product Name and Abbreviation	Composition (e.g., Zn, Al, Si, Mg, other intentionally added elements or alloys)	Weight [Grams per Sq. Meter]	Coating Thickness [micrometers]
Minimum												
Maximum												
Select any additional processing methods used:									Other (specify)			
Comments:												

Request for Exclusion from Remedies: Section 232 National Security Investigation of Aluminum Imports - Continued

4.a	List the Commercial Name(s) of the single aluminum product that is the subject of this Exclusion Request.					
Comments:						
4.b	Identify the Aluminum Association code for the aluminum product that is the subject of this Exclusion Request:			State below: 1) the application for the aluminum product (e.g., automotive, appliances, industrial products, structural, etc.) that is the subject of this Exclusion Request, and 2) why similar aluminum products manufactured in the United States, if available, are not suitable.		
4.c	If the Exclusion is needed to support U.S. national security requirements (critical infrastructure or national defense systems), provide a detailed description of the specific uses of this single aluminum product:					
4.d	Identify the source countries for the single aluminum product for which the Exclusion is requested, the annual quantity to be supplied in kilograms, and the name of the current manufacturer(s) of the aluminum product. If this aluminum product is not obtained directly from the manufacturer, identify the current supplier(s) and the country of the supplier(s). The Exclusion Request, if granted, will pertain solely to the identified supplier(s) listed in this form and the country of origin. NOTE: Aluminum products encompassing more than one 10-digit HTSUS code must submit a separate Exclusion Request for each pertinent code.					
		Country of Origin	Country of Export	Exclusion Quantity	Current Manufacturer	Current Supplier (if not obtained directly from manufacturer)
	1					
	2					
	3					
	4					
	5					
4.e	Product Availability Information					
	Does the requester possess knowledge of any domestic U.S. parties that <u>currently</u> manufacture the described aluminum product in the United States?					
	Comment:					
4.f	Does the requester possess knowledge of any parties that <u>currently</u> manufacture the described aluminum product a country exempted from this tariff? If yes, identify the country or countries below.					
	Comment:					
4.g	Is the requester aware of any manufacturers <u>capable of producing</u> a substitute for the aluminum product in the United States? If “Yes” provide supporting information (name and address) in the space below?					
	Comment:					
4.h	Has the Exclusion requester attempted to <u>qualify any aluminum manufacturer in the United States</u> as a supplier of the aluminum product for that is the subject of this Exclusion Request in the past two years? If “Yes” provide supporting information in the space below. Supporting documents must be submitted as a consolidated PDF file and may not exceed 25 pages.					
	1			5		
	2			6		
	3			7		
	4			8		

Comment:	
Continued on Next Page	

Request for Exclusion from Remedies: Section 232 National Security Investigation of Aluminum Imports - <i>Continued</i>			
5.a	Has the Exclusion Requester <u>attempted to purchase the described aluminum product</u> that is the subject of this Exclusion Request, or a substitute, from a U.S. manufacturer in the past two years? If "Yes" identify the manufacturers, addresses, and your points of contact at the U.S. aluminum manufacturing organizations in the space below.		
	Comment:		
5.b	Has the Exclusion Requester <u>had supply contracts, or have current contracts</u> , with aluminum producers that manufacture in the United States the aluminum product identified in the Exclusion Request? If "Yes" identify the U.S. aluminum manufacturers, addresses, and your points of contact at the U.S. manufacturing organizations in the space below.		
5.c	Has the Exclusion Requester <u>determined that there is no U.S. manufacturer</u> that produces a near-equivalent aluminum product that would meet qualification requirements? If "Yes" identify in the space below the testing standards/procedures employed to make that determination.		
	Comment:		
5.d	In the last two years, has the requester purchased a <u>substitute aluminum product</u> manufactured in the United States in place of the aluminum product described in the Exclusion Request? If “Yes” provide supporting information in the space below.		
	Comment:		
5.e	Provide a detailed explanation as to how U.S. Customs and Border Protection (CBP) will be able to reasonably distinguish the aluminum product subject to the Exclusion Request at time of entry, without adding undue burden to their current entry system and procedures.		
Submission of Exclusion Requests: All Exclusion Requests must be fully completed and submitted to www.regulations.gov under Docket Number BIS-2018-0002 using this Microsoft Excel electronic form. All information submitted will be subject to public disclosure, regardless of any statements by the requester that some information should be treated otherwise. Any further information required as a part of this Exclusion Request will be determined and requested solely by the U.S. Department of Commerce.			
Submission of Supporting Documents (Attachments): Supporting attachments should be submitted to www.regulations.gov as PDF documents and must be posted to www.regulations.gov under Docket Number BIS-2018-0006. Total supporting submissions may not exceed 25 pages.			
Other Comments:			
I have additional information to provide that is proprietary or otherwise business confidential that is relevant and necessary to this submission:			

<u>Instruction: This Exclusion Request must be signed by an organization official specifically authorized to certify the document as being accurate and complete.</u>			
CERTIFICATION			
The undersigned certifies that the information herein supplied in response to this questionnaire is complete and correct to the best of his/her knowledge. It is a criminal offense to willfully make a false statement or representation to any department or agency of the United States Government as to any matter within its jurisdiction. [18 U.S.C. 1001 (1984 & SUPP. 1197)]			
Company Name:			
Name of Authorizing Official:			Title of Authorizing Official
Phone Number:		Email of Authorizing Official:	
If the Point of Contact is different from the Authorizing Official provide point-of-contact information below.			
Point-of-Contact Name:			Title
E-Mail Address:			Phone Number
Paperwork Reduction Act Notice			
Per the Paperwork Reduction Act of 1995, public reporting burden for this collection of information is estimated to average 4 hours per response, including the time to review instructions, search existing data sources, gather and maintain data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, to 1401 Constitution Avenue, NW, HCHB 1093, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce, Washington, DC 20230 attn: 0694-0139. Commerce may not collect this information, and you are not required to respond; unless this OMB number is displayed.			

APPENDIX C: BIS EXCLUSION REQUESTOR FORM FOR STEEL

OMB Control Number: 0694-0139

Expiration Date: 9/12/2018

Request for Exclusion from Remedies: Section 232 National Security Investigation of Steel Imports

Exclusion Request Requirements: Only individuals or organizations operating in the United States that use steel products (e.g. flat, long, semi-finished, pipe and tube, and stainless) in business activities (e.g., construction, manufacturing, supplying steel product to users) in the United States may submit an Exclusion Request. For an Exclusion Request to be considered, the Exclusion Requester must provide factual information on 1) the single type of steel product it requires using a 10-digit HTSUS code, including its specific dimension; 2) the quantity of product required (stated in kilograms) under a one-year exclusion; 3) a full description of the properties of the steel product it seeks to import, including chemical composition, dimensions, strength, toughness, ductility, magnetic permeability, surface finish, coatings, and other relevant data. Exclusion Requests must be submitted using this Excel-based document. Paper submissions will not be accepted.

A separate Exclusion Request must be submitted on each distinct type and dimension of steel product to be imported. All applicable question blocks in the form must be completed for the Exclusion Request to be accepted. Exclusion Requests will be denied if the applicant: 1) does not sufficiently address the specified reporting requirements; 2) cites the improper HTSUS code, or 3) provides incorrect product descriptions.

Organizations electing to attach supporting documents must provide these documents in PDF format and it must not exceed 25 pages. All information submitted in the Exclusion Request is subject to public disclosure. Do not provide sensitive Personally Identifiable Information.

Organizations should upload their completed Exclusion Request pertaining to a steel product to www.regulations.gov under Docket Number BIS-2018-0006. An Exclusion Request may be submitted at any time. Processing of an Exclusion Request will take approximately 90 business days. Notification of granted Exclusions will be posted on www.regulations.gov. For questions related directly to completing this form, contact BIS via email (steel232@bis.doc.gov) or telephone (202-482-5642).

1.a

Identify the class of steel product for which the Exclusion is sought:

10-Digit Harmonized Tariff Schedule Code of the United States (HTSUS) for the single steel product covered by this request:
(See https://www.usitc.gov/publications/docs/tata/hts/bychapter/0900c72_0.pdf)

1.b

Requesting Organization Information

Full Organization Legal Name

Street Address

City

State

Zip Code

Headquarters Country

Point of Contact Name

Phone Number

E-mail Address

Web Site Address

Importer of Record for Organization Requesting an Exclusion

Full Organization Legal Name

Street Address

City

State

Zip Code

Headquarters Country

Point of Contact - Representative Name

Phone Number

E-mail Address

Web Site Address

Parent Company of Requesting Organization

Full Organization Legal Name

Street Address

City

State/Province

Zip Code/Postal Code

Headquarters Country

Web Site Address

Requester's Authorized Representative/Agent (If applicable)

Requester Point of Contact Name

Point-of-Contact Organization

Country Location

Phone Number

E-mail Address

Web Site Address

Other Information

1.c

Does the parent organization hold ownership in (partially or completely), or is it otherwise engaged as a: Steel Manufacturer; Steel Distributor; Steel Exporter or, Steel Importer? If "Yes" identify the activity.

If "Yes" - Identify the organization

Identify the country where the organization is headquartered

Comments:

1.d

Identify the primary type of steel activity of the Exclusion Requester:

Total Requested Annual Exclusion Quantity in Kilograms (1 metric ton = 1,000 kilograms)

Comments:

Continued on Next Page

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Request for Exclusion from Remedies: Section 232 National Security Investigation of Steel Imports - <i>Continued</i>														
2.a	Average annual consumption for years 2015-2017 of the steel product that is subject of this Exclusion Request - Kilograms													
2.b	Explain why your organization requires an Exclusion using 1) the drop-down box to the right and 2) by providing written comments in the space provided below.													
	Comments:													
2.c	Identify the percentage of total steel product covered under this Exclusion Request not available from steel manufacturers in the United States:													
2.d	Estimate the number of days required to take delivery of the steel product covered by this Exclusion Request, from the time the purchase order is issued by your organization:													
2.e	Estimate the number of days required to manufacture the steel product covered by this Exclusion Request, from the time a binding purchase order is executed:													
2.f	Estimate the number of days required to ship the steel product covered under this Exclusion Request, from the foreign port of departure to the Exclusion Requester's loading dock:													
2.g	Estimate the number of distinct shipments from the foreign port(s) of departure that will be needed for transporting to the United States the steel product subject to this Exclusion Request:													
2.h	Identify the U.S. Destination Port(s) of Entry through which the steel product subject to this Exclusion Request would be transported:													
	Port 1	Port 2	Port 3	Port 4	Port 5	Port 6	Port 7							
2.i	Is the organization making this Exclusion Request doing so on behalf of a non-U.S. steel producer that does not manufacture steel products in the United States?													
	If "Yes" identify the non-U.S. steel producer						Identify the country where the organization is headquartered							
	Comments:													
2.j	Exclusion Request Product Information													
	For this single Exclusion Request, provide a full, complete description of the product in the space provided below. * See explanation below. The product for which an Exclusion is being requested is defined as follows:													
	* With regard to the product for which an Exclusion is requested, such a description must be limited to a single product. The description must be limited solely to physical properties (e.g., chemical requirements, mechanical requirements, dimensions, etc.) and exact descriptive terms/phrases covering the product subject to the Exclusion Request (e.g., “hot-rolled,” “seamless pipe,” “suitable for use in boilers,” “longitudinally submerged arc welded,” etc.). All such physical properties must be defined based on actual, rather than nominal, measurements; references to specific dimensions (e.g., “cross-sectional diameter of 5.50 mm”) or measurements (e.g., “yield strength of 300 MPa,” “carbon content 0.08%,” etc.) will be interpreted as meaning the exact dimension or measurement. Ranges (e.g., “cross-sectional diameter falling within the range 5.35 mm and 5.65 mm,” “yield strength greater than or equal to 300 MPa,” “carbon content less than or equal to 0.15%, by weight,” etc.) are allowed. Where a range is needed, it should be identified based on the end points of the range (as in the examples above), rather than through references to absolute or percentage tolerances.													
Comments:														
2.k	Identify the standards organizations that have set specifications for the product type that is the subject of this Exclusion Request, and provide the reference designation(s) for the identified standards organization(s), (e.g., ASTM A108-13):				Organization	Designation		Organization	Designation		Organization	Designation		
				1			3			5				
				2			4			6				
				Other (specify)			Other (specify)			Other (specify)				
2.l	General Steel Product Description													
	Identify the classification and properties of the steel product covered under this Exclusion Request. Other classification or properties may be described in the Comment box below. (Select all that apply)													
	Slab	Blooms	Billets	Ingots	Flat	Long	Beams	Semi- Finished	Pipe	Tube	Stainless	Wire	Hot Rolled	Cold Rolled
	Annealed	Plated	Electro-Plated	Galvanized	Electro-Galvanized	Zinc Plated	Aluminum Plated	Lead Plated	Tin Plated	Painted	Varnished	Plasticized	Pickled	Other (Use Comment Box)
Comment:														

Request for Exclusion from Remedies: Section 232 National Security Investigation of Steel Imports - *Continued*

3.a

Identify the chemical composition of the specific steel product for which your organization seeks an Exclusion. Numbers may appear rounded, but full values will be stored.

Chemical Composition													
Chemical	Aluminum	Antimony	Bismuth	Boron	Carbon	Chromium	Cobalt	Copper	Iron	Lead	Manganese	Molybdenum	Nickel
Minimum %													
Maximum %													
	Niobium	Nitrogen	Phosphorous	Selenium	Silicon	Sulfur	Tellurium	Titanium	Tungsten	Vanadium	Zirconium	[Other - List Below]	[Other - List Below]
Minimum %													
Maximum %													
Comments:													

3.b

Provide the following information on the single steel product that is the subject of this Exclusion Request: 1) dimensional information for the single steel product and a single size -- not a range of products and or sizes (e.g., 19 mm dia. rebar - not 19, 22, 25, and 29 mm.) A separate Exclusion Request must be submitted for each steel product by physical dimension; 2) performance data for tensile strength, yield strength, hardness, impact, shear and test temperature.

Steel Product Specifications (Millimeters)							Strength			Toughness (If Applicable)			
	Thickness	Inside Diameter	Outside Diameter	Length	Width	Height	Tensile Strength Mega Pascal (MPa)	Yield Strength Mega Pascal (MPa)	Hardness (specify method below - Brinnell, Rockwell, Vickers, etc.)	Test Type	Drop-Weight Tear Testing	Impact (Charpy) Testing	Other (specify type in comment box)
										Temperature (°C)			
Minimum										Joules			
Maximum										% Shear			
Comments:													

3.c

Provide the following information on the single steel product that is the subject of this Exclusion Request: 1) performance data for ductility, magnetic permeability, surface finish; and 2) metal coating process, material type, weight, and thickness.

	Global Ductility		Local Ductility (If Applicable)		Magnetic Permeability (If Applicable)			Surface Finish (If Applicable)	Coating Type and Composition (If Applicable)				
	Elongation %	Reduction -in-Area %	Hole Expansion %	Bendability (Bend Radius/Sheet Thickness [millimeter]	Magnetic Permeability [Epstein Test]	Magnetic Permeability [Greer Lab Method]	Stacked Wide Sheet [ASTM A804/ A804M-04 (2015)]	Profilometer - [SAE J911]	Coating Method	Coating Product Name and Abbreviation	Composition (e.g., Zn, Al, Si, Mg, other intentionally added elements or alloys)	Weight [Grams per Sq. Meter]	Coating Thickness [micrometers]
Minimum													
Maximum													
Select any additional processing methods used:											Other (specify)		
Comments:													

Request for Exclusion from Remedies: Section 232 National Security Investigation of Steel Imports - Continued

4.a	List the Commercial Name(s) of the single steel product that is the subject of this Exclusion Request.					
Comments:						
4.b	State the 1) application for the steel product (e.g., automotive, appliances, industrial products, structural, etc.) that is the subject of this Exclusion Request, and 2) why similar steel products manufactured in the United States, if available, are not suitable.					
4.c	If the Exclusion is needed to support U.S. national security requirements (critical infrastructure or national defense systems), provide a detailed description of the specific uses of this single steel product in the space below:					
4.d	Identify the source countries for the single steel product for which the Exclusion is requested, the annual quantity to be supplied in kilograms, and the name of the current manufacturer(s) of the steel product. If this steel product is not obtained directly from the manufacturer, identify the current supplier(s) and the country of the supplier(s). The Exclusion Request, if granted, will pertain solely to the identified supplier(s) listed in this form and the country of origin.					
	NOTE: Steel products encompassing more than one 10-digit HTSUS code must submit a separate Exclusion Request for each pertinent code.					
		Country of Origin	Country of Export	Exclusion Quantity	Current Manufacturer	Current Supplier (if not obtained directly from manufacturer)
	1					
	2					
	3					
	4					
5						
4.e	Product Availability Information					
	Does the Requester possess knowledge of any domestic U.S. parties that <u>currently</u> manufacture the described steel product in the United States?					
	Comment:					
4.f	Does the Requester possess knowledge of any parties that <u>currently</u> manufacture the described steel product in a country exempted from this tariff? If yes, identify the country or countries below.					
	Comment:					
4.g	Is the Requester aware of any manufacturers <u>capable of producing</u> a substitute for the steel product in the United States? If “Yes” provide supporting information (name and address) in the space below?					
	Comment:					
4.h	Has the Exclusion Requester attempted to <u>qualify any steel manufacturer in the United States</u> as a supplier of the steel product that is the subject of this Exclusion Request in the past two years? If “Yes” provide supporting information in the space below. Supporting documents must be submitted as a consolidated PDF file and may not exceed 25 pages.					
	1		5			
	2		6			
	3		7			
	4		8			

	Comment:	
Continued on Next Page		
Request for Exclusion from Remedies: Section 232 National Security Investigation of Steel Imports - Continued		
5.a	Has the Exclusion Requester attempted to purchase the described steel product that is the subject of this Exclusion Request, or a substitute, from a U.S. manufacturer in the past two years? If "Yes" identify the manufacturers, addresses, and your points of contact at the U.S. steel manufacturing organizations in the space below.	
	Comment:	
5.b	Has the Exclusion Requester had supply contracts, or does it have current contracts, with steel producers that manufacture in the United States the steel product identified in the Exclusion Request? If "Yes" identify the U.S. steel manufacturers, addresses, and your points of contact at the U.S. manufacturing organizations in the space below.	
5.c	Has the Exclusion Requester determined that there is no U.S. manufacturer that produces a near-equivalent steel product that would meet qualification requirements? If "Yes" identify in the space below the testing standards/procedures employed to make that determination (e.g., magnetic core loss, etc).	
	Comment:	
5.d	In the last two years, has the Requester purchased a substitute steel product manufactured in the United States in place of the steel product described in the Exclusion Request? If “Yes” provide supporting information in the space below.	
	Comment:	
5.e	Provide a detailed explanation as to how U.S. Customs and Border Protection (CBP) will be able to reasonably distinguish the steel product subject to the Exclusion Request at time of entry, without adding undue burden to their current entry system and procedures.	
Submission of Exclusion Requests: All Exclusion Requests must be fully completed and submitted to www.regulations.gov under Docket Number BIS-2018-0006 using this Microsoft Excel electronic form. All information submitted will be subject to public disclosure, regardless of any statements by the Requester that some information should be treated otherwise. Any further information required as a part of this Exclusion Request will be determined and requested solely by the U.S. Department of Commerce.		
Submission of Supporting Documents (Attachments): Supporting attachments should be submitted to www.regulations.gov as PDF documents and must be posted to www.regulations.gov under Docket Number BIS-2018-0006. Total supporting submissions may not exceed 25 pages.		
Other Comments:		
I have additional information to provide that is proprietary or otherwise business confidential that is relevant and necessary to this submission:		

Instruction: This Exclusion Request must be signed by an organization official specifically authorized to certify the document as being accurate and complete.			
CERTIFICATION			
The undersigned certifies that the information herein supplied in response to this questionnaire is complete and correct to the best of his/her knowledge. It is a criminal offense to willfully make a false statement or representation to any department or agency of the United States Government as to any matter within its jurisdiction. [18 U.S.C. 1001 (1984 & SUPP. 1197)]			
Company Name:			
Name of Authorizing Official:		Title of Authorizing Official:	
Phone Number:		Email of Authorizing Official:	
If the Point of Contact is different from the Authorizing Official provide point-of-contact information below.			
Point-of-Contact Name:		Title	
E-mail Address:		Phone Number	
Paperwork Reduction Act Notice			

Per the Paperwork Reduction Act of 1995, public reporting burden for this collection of information is estimated to average 4 hours per response, including the time to review instructions, search existing data sources, gather and maintain data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, to 1401 Constitution Avenue, NW, HCHB 1093, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce, Washington, DC 20230 attn: 0694-0139. Commerce may not collect this information, and you are not required to respond; unless this OMB number is displayed.

APPENDIX D: BIS FORM OF OBJECTION FILINGS FOR ALUMINUM

Objection Filing to Posted Section 232 Exclusion Request: Aluminum

Objection Filing Requirements: Any individual or organization in the United States may file an Objection to an Exclusion Request. Where relevant, organizations must provide factual information on 1) the aluminum products that they manufacture in the United States, 2) the production capabilities at aluminum manufacturing facilities that they operate in the United States; and 3) the availability and delivery time of the products that they manufacture relative to the specific aluminum product that is subject to an Exclusion Request. For an Objection Filing to be considered, it must be submitted as an electronic document using this Excel-based template. Paper submissions will not be accepted.

Organizations submitting an Objection Filing on an Exclusion Request should provide specific information, as relevant, on the product that their company can provide that is comparable to the aluminum product that is the subject of the Exclusion Request. This information should include 1) discussion on the suitability of its product for the application identified by the Exclusion Requestor, and 2) a full technical description of the properties of the product it manufactures relative to specifications provided in the Exclusion Request posted on regulations.gov, including information on dimensions, strength, toughness, ductility, surface finish, coatings, and other relevant data.

A separate Objection Filing must be submitted on each Exclusion Request, citing the specific aluminum product and dimension covered in the request posted on [regulations.gov](https://www.regulations.gov). All applicable question blocks in this form must be completed for the Objection Filing to be accepted for consideration. Organizations electing to attach supporting documents must provide a single submission only in PDF format that must not exceed 25 pages in total. All information submitted in the Exclusion Request is subject to public disclosure. Do not provide sensitive Personally Identifiable Information.

Organizations should upload their Objection Filing covering a single aluminum Exclusion Request to the corresponding Exclusion Request on <https://www.regulations.gov/> under Docket Number BIS-2018-0002. An Objection Filing must be submitted to regulations.gov no later than 30 days from the date the Exclusion Request is posted in regulations.gov. Processing of the Exclusion Request, including consideration of Objection Filings, will take approximately 90 business days. When Exclusion Requests are approved, notification will be made on regulations.gov. For questions related directly to completing this form, contact BIS via email (aluminum232@bis.doc.gov) or telephone (202-482-4757).

Instruction: State the name, address, and related contact information for the organization submitting the Objection Filing. Provide the same information for the Exclusion Requestor that is the subject of this Objection Filing, relying on information in the request notice posted on regulations.gov. Also provide the regulations.gov identification number issued for the submitter of the Exclusion Request, the HTSUS code for the aluminum product, and annual quantity of imported aluminum product at issue. This information is found in the Exclusion Request document posted on regulations.gov

1.a	Organization Filing Objection to Requested Exclusion				Organization Requesting Exclusion		
	Full Organization Legal Name				Full Organization Legal Name		
	Street Address				Street Address		
	City				City		
	State				State		
	Zip Code				Zip Code		
	Headquarters Country						
	Point of Contact Name						
	Phone Number						
	E-mail Address						
	Web Site Address						
	regulations.gov Identification #			10-Digit HTSUS Code		Annual Exclusion Quantity Requested (Kilograms)	

Identify the reasons your organization objects to an Exclusion Request being granted to the applicant cited above. Written comments may be submitted (not required) to supplement information that your organization has provided in the Objection Filing form on the Exclusion Request, but total attachments may not exceed 25 pages. Organizations making an Objections Filing should identify factual problems that they encounter in the Exclusion Request (e.g., product description).

1.b	Indicate what type of order the Exclusion Request that is the subject of the Objection Filing would pertain to:	
	Comments	

1.c	Is the aluminum product type identified in the Exclusion Request currently manufactured by your organization in the United States , or can it immediately be made (within 8 weeks) by your organization, in a company-owned plant in the United States? If “Yes” identify the location(s) of your aluminum production facilities in the United States.		-Yes/No-	City	State	Current Annual Plant Production Capacity (mt)	% Plant Utilization Current
1.d	This organization does not currently manufacture the identified aluminum product, but can produce the product identified in the Exclusion Request within the following time period at the following facilities:		Days	City	State	Current Annual Plant Production Capacity (mt)	% Plant Utilization Current
	Comments						
	Does this organization currently manufacture, or can immediately manufacture (within 8 weeks), in a company-owned plant located in the United States a substitute product for the identified aluminum product that has similar form, fit, function, and		-Yes/No-	City	State	Current Annual Plant Production Capacity (mt)	% Plant Utilization Current

1.e	performance? If “Yes” identify the location(s) of your aluminum production facilities in the United States, current plant capacity and utilization					
1.f	This organization does not currently manufacture the identified aluminum product, but can make a substitute product that has similar form, fit, function, and performance within the following time period at the following facilities:	Days	City	State	Current Annual Plant Production Capacity (mt)	% Plant Utilization Current
	Comments					
Continued On Next Page						

Objection Filing to Posted Section 232 Exclusion Request: Aluminum - Continued															
2.a	Select "Yes" for any assertions identified in the Exclusion Request that your organization is challenging:	No Production Capacity			Product Quality			Shipping Time							
		Insufficient Volume			Unique aluminum Product			Other (specify here)							
2.b	Discuss 1) the suitability of your organization's aluminum product compared to that identified by the Exclusion Requestor, and 2) provide a full technical description of the properties of the product it manufactures relative to specifications cited in the Exclusion Request posted in regulations.gov. This description must include information on dimensions, plus performance factors such as strength, toughness, ductility, magnetic permeability, surface finish, coatings, and other relevant data.														
2.c	State the chemical composition of the specific aluminum product that your organization can manufacture at a company-owned production facility located in the United States.														
	Chemical Composition														
	Chemical	Aluminum	Antimony	Bismuth	Boron	Carbon	Chromium	Cobalt	Copper	Iron	Lead	Magnesium	Manganese	Molybdenum	
	Minimum %														
	Maximum %														
	Chemical	Nickel	Niobium	Phosphorous	Selenium	Silicon	Sulfur	Tin	Titanium	Tungsten	Vanadium	Zinc	[Other - List Below]	[Other - List Below]	
	Minimum %														
	Maximum %														
	Comments:														
	2.d	Provide the following information on the single aluminum product that is the subject of this Objection Filing: 1) dimensional information covering the single aluminum product subject to the Exclusion Request; 2) performance data for tensile strength, yield strength, hardness, impact, shear and test temperature.													
Aluminum Product Specifications (Millimeters)						Strength			Toughness (If Applicable)						
		Thickness	Inside Diameter	Outside Diameter	Length	Width	Height	Tensile Strength Mega Pascal (MPa)	Yield Strength Mega Pascal (MPa)	Hardness (specify method below - Brinnell, Rockwell, Vickers, etc.)	Test Type	Drop-Weight Tear Testing		Impact (Charpy) Testing	Other (specify type in comment box)
										Temperature (°C)					
Minimum										Joules					
Maximum										% Shear					
Comments:															

2.e	Provide the following information on the single aluminum product that is the subject of this Objection Filing: 1) performance data for ductility, magnetic permeability, surface finish; and 2) metal coating process, material type, weight, and thickness.												
		Global Ductility		Local Ductility (If Applicable)			Surface Finish (If Applicable)	Coating Type and Composition (If Applicable)					
		Elongation %	Reduction -in-Area %	Hole Expansion %	Bendability (Bend Radius/Sheet Thickness [millimeter])		Profilometer - [SAE J911]	Coating Method	Coating Product Name and Abbreviation	Composition (e.g., Zn, Al, Si, Mg, other intentionally added elements or alloys)	Weight [Grams per Sq. Meter]	Coating Thickness [micrometers]	
		Minimum											
		Maximum											
	Select any additional processing methods used:								Other (specify)				
	Comments:												
Continued On Next Page													

Objection Filing to Posted Section 232 Exclusion Request: Aluminum - Continued			
3.a	What percentage of the total aluminum product tonnage requirement covered under the Exclusion Request that is the subject of this Objection Filing can your organization manufacture at its U.S. plants on a timely basis?		
3.b	State the number of days required by your organization to ship from its U.S. manufacturing plant the aluminum product covered by this Exclusion Request from the time the purchase order is received:		
3.c	State the number of days required to manufacture the aluminum product covered by this Exclusion Request from the time a binding purchase order is received:		
3.d	State the delivery time in days for the aluminum product covered under this Exclusion Request from the time it is shipped from your manufacturing plant to the Exclusion Requestor's loading dock:		
	Comments:		
3.e	Identify the reasons your organization objects to an Exclusion Request being granted to the applicant. Written comments may be submitted (not required) for each of the reasons your organization has cited in the Objection Filing form. Organizations filing Objections should identify factual problems in the Exclusion Request (e.g., product description).		
	Comments:		
3.f	Has the organization making the Exclusion Request asserted that there is no capability in the United States to manufacture this type of aluminum product it requires? If "Yes" provide comments in the space below.		
	Has the Exclusion Requestor supported its assertion of product uniqueness with engineering and scientific data, or independent laboratory tests results?		
	Does your organization have technical data to disprove the assertions of the Exclusion Requestor? If "Yes" provide comments in the space below, or in attachments.		
	Comments:		
3.g	Has the organization making this Objection Filing within the last two years attempted to sell, or successfully sold, the aluminum product described in the Exclusion Request to the exclusion requestor previously?		
	Does your organization manufacture a aluminum product similar to that cited in the Exclusion Request for which it has asked to Exclusion Requestor, within two years of the filing of the Exclusion Request, to perform a formal technical qualification to determine equivalency in form, fit, function and performance?		
	Did the Exclusion Requestor accept or reject the request to perform a formal technical qualification?		
	Comments:		
I have additional information to provide that is proprietary or otherwise business confidential that is relevant and necessary to this submission:			

Instruction: This Objection Filing must be submitted by an organization official authorized to certify the document as being accurate and complete.				
CERTIFICATION				
The undersigned certifies that the information herein supplied in response to this questionnaire is complete and correct to the best of his/her knowledge. It is a criminal offense to willfully make a false statement or representation to any department or agency of the United States Government as to any matter within its jurisdiction. [18 U.S.C. 1001 (1984 & SUPP. 1197)]				
Company Name:				
Name of Authorizing Official:			Title of Authorizing Official	
Phone Number:		Email of Authorizing Official:		
If the Point of Contact is different from the Authorizing Official provide point-of-contact information below.				
Point-of-Contact Name:			Title	
E-mail Address:			Phone Number	
Paperwork Reduction Act Notice				
Per the Paperwork Reduction Act of 1995, public reporting burden for this collection of information is estimated to average 4 hours per response, including the time to review instructions, search existing data sources, gather and maintain data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, to 1401 Constitution Avenue, NW, HCHB 1093, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce, Washington, DC 20230 attn: 0694-0138. Commerce may not collect this information, and you are not required to respond; unless this OMB number is displayed.				

APPENDIX E: BIS FORM FOR OBJECTION FILING FOR STEEL

Objection Filing to Posted Section 232 Exclusion Request: Steel

Objection Filing Requirements: Any individual or organization in the United States may file an Objection to an Exclusion Request. Where relevant, organizations must provide factual information on 1) the steel products that they manufacture in the United States, 2) the production capabilities at steel manufacturing facilities that they operate in the United States; and 3) the availability and delivery time of the products that they manufacture relative to the specific steel product that is subject to an Exclusion Request. For an Objection Filing to be considered, it must be submitted as an electronic document using this Excel-based template. Paper submissions will not be accepted.

Organizations submitting an Objection Filing on an Exclusion Request should provide specific information, as relevant, on the product that their company can provide that is comparable to the steel product that is the subject of the Exclusion Request. This information should include 1) discussion on the suitability of its product for the application identified by the Exclusion Requestor, and 2) a full technical description of the properties of the product it manufactures relative to specifications provided in the Exclusion Request posted on regulations.gov, including information on dimensions, strength, toughness, ductility, magnetic permeability, surface finish, coatings, and other relevant data.

A separate Objection Filing must be submitted on each Exclusion Request, citing the specific steel product and dimension covered in the request posted on regulations.gov. All applicable question blocks in this form must be completed for the Objection Filing to be accepted for consideration. Organizations electing to attach supporting documents must provide a single submission only in PDF format that must not exceed 25 pages in total. All information submitted in the Exclusion Request is subject to public disclosure. Do not provide sensitive Personally Identifiable Information.

Organizations should upload their Objection Filing covering a single steel Exclusion Request to the corresponding Exclusion Request on <https://www.regulations.gov/> under Docket Number BIS-2018-0006. An Objection Filing must be submitted to regulations.gov no later than 30 days from the date the Exclusion Request is posted in regulations.gov. Processing of the Exclusion Request, including consideration of Objection Filings, will take approximately 90 business days. When Exclusion Requests are approved, notification will be made on regulations.gov. For questions related directly to completing this form, contact BIS via email (steel232@bis.doc.gov) or telephone (202-482-5642).

Instruction: State the name, address, and related contact information for the organization submitting the Objection Filing. Provide the same information for the Exclusion Requestor that is the subject of this Objection Filing, relying on information in the request notice posted on regulations.gov. Also provide the regulations.gov identification number issued for the submitter of the Exclusion Request, the HTSUS code for the steel product, and annual quantity of imported steel product at issue. This information is found in the Exclusion Request document posted on regulations.gov.

Organization Filing Objection to Requested Exclusion				Organization Requesting Exclusion		
Full Organization Legal Name				Full Organization Legal Name		
Street Address				Street Address		
City				City		
State				State		
Zip Code				Zip Code		
Headquarters Country						
Point of Contact Name						
Phone Number						
E-mail Address						
Web Site Address						
regulations.gov Identification #		10-Digit HTSUS Code		Annual Exclusion Quantity Requested (Kilograms)		

Identify the reasons your organization objects to an Exclusion Request being granted to the applicant cited above. Written comments may be submitted (not required) to supplement information that your organization has provided in the Objection Filing form on the Exclusion Request, but total attachments may not exceed 25 pages. Organizations making an Objections Filing should identify factual problems that they encounter in the Exclusion Request (e.g., product description).

1.b	Indicate what type of order the Exclusion Request that is the subject of the Objection Filing would pertain to:	
	Comments	

1.c	Is the steel product type identified in the Exclusion Request <u>currently manufactured</u> by your organization in the United States , or can it immediately be made (within 8 weeks) by your organization, in a company-owned plant in the United States? If “Yes” identify the location(s) of your steel production facilities in the United States.	-Yes/No-	City	State	Current Annual Plant Production Capacity (mt)	% Plant Utilization Current

1.d	This organization does not currently manufacture the identified steel product, but can produce the product identified in the Exclusion Request within the following time period at the following facilities:		Days	City	State	Current Annual Plant Production Capacity (mt)	% Plant Utilization Current
	Comments						

1.e	Does this organization currently manufacture, or can immediately manufacture (within 8 weeks), in a company-owned plant located in the United States a <u>substitute product</u> for the identified steel product that has similar form, fit, function, and performance? If “Yes” identify the location(s) of your steel production facilities in the United States, current plant capacity and utilization	-Yes/No-	City	State	Current Annual Plant Production Capacity (mt)	% Plant Utilization Current

1.f	This organization does not currently manufacture the identified steel product, but can make a <u>substitute product</u> that has similar form, fit, function, and performance within the following time period at the following facilities:	Days	City	State	Current Annual Plant Production Capacity (mt)	% Plant Utilization Current

Objection Filing to Posted Section 232 Exclusion Request: Steel - Continued															
2.a	Select "Yes" for any assertions identified in the Exclusion Request that your organization is challenging:						No Production Capacity			Product Quality			Shipping Time		
							Insufficient Volume			Unique Steel Product			Other (specify here)		
2.b	Discuss 1) the suitability of your organization's steel product compared to that identified by the Exclusion Requestor, and 2) provide a full technical description of the properties of the product it manufactures relative to specifications cited in the Exclusion Request posted in regulations.gov. This description must include information on dimensions, plus performance factors such as strength, toughness, ductility, magnetic permeability, surface finish, coatings, and other relevant data.														
2.c	State the chemical composition of the specific steel product that your organization can manufacture at a company-owned production facility located in the United States.														
	Chemical Composition														
	Chemical	Aluminum	Antimony	Bismuth	Boron	Carbon	Chromium	Cobalt	Copper	Iron	Lead	Manganese	Molybdenum	Nickel	
	Minimum %														
	Maximum %														
	Chemical	Niobium	Nitrogen	Phosphorous	Selenium	Silicon	Sulfur	Tellurium	Titanium	Tungsten	Vanadium	Zirconium	[Other - List Below]	[Other - List Below]	
	Minimum %														
	Maximum %														
	Comments:														
2.d	Provide the following information on the single steel product that is the subject of this Objection Filing: 1) dimensional information covering the single steel product subject to the Exclusion Request; 2) performance data for tensile strength, yield strength, hardness, impact, shear and test temperature.														
	Steel Product Specifications (Millimeters)						Strength			Toughness (If Applicable)					
		Thickness	Inside Diameter	Outside Diameter	Length	Width	Height	Tensile Strength Mega Pascal (MPa)	Yield Strength Mega Pascal (MPa)	Hardness (specify method below - Brinnell, Rockwell, Vickers, etc.)	Test Type	Drop-Weight Tear Testing	Impact (Charpy) Testing		Other (specify type in comment box)
	Minimum										Temperature (°C)				
	Maximum										Joules				
										% Shear					
Comments:															
2.e	Provide the following information on the single steel product that is the subject of this Objection Filing: 1) performance data for ductility, magnetic permeability, surface finish; and 2) metal coating process, material type, weight, and thickness.														
		Global Ductility		Local Ductility (If Applicable)		Magnetic Permeability (If Applicable)			Surface Finish (If Applicable)	Coating Type and Composition (If Applicable)					
		Elongation %	Reduction -in-Area %	Hole Expansion %	Bendability (Bend Radius/Sheet Thickness [millimeter])	Magnetic Permeability [Epstein Test]	Magnetic Permeability [Greer Lab Method]	Stacked Wide Sheet [ASTM A804/ A804M-04 (2015)]	Profilometer - [SAE J911]	Coating Method	Coating Product Name and Abbreviation	Composition (e.g., Zn, Al, Si, Mg, other intentionally added elements or alloys)	Weight [Grams per Sq. Meter]		Coating Thickness [micrometers]
	Minimum														
Maximum															
Select any additional processing methods used:										Other (specify)					

	Comments:	
Continued On Next Page		

Objection Filing to Posted Section 232 Exclusion Request: Steel - Continued		
3.a	What percentage of the total steel product tonnage requirement covered under the Exclusion Request that is the subject of this Objection Filing can your organization manufacture at its U.S. plants on a timely basis?	
3.b	State the number of days required by your organization to ship from its U.S. manufacturing plant the steel product covered by this Exclusion Request from the time the purchase order is received:	
3.c	State the number of days required to manufacture the steel product covered by this Exclusion Request from the time a binding purchase order is received:	
3.d	State the delivery time in days for the steel product covered under this Exclusion Request from the time it is shipped from your manufacturing plant to the Exclusion Requestor's loading dock:	
	Comments:	
3.e	Identify the reasons your organization objects to an Exclusion Request being granted to the applicant. Written comments may be submitted (not required) for each of the reasons your organization has cited in the Objection Filing form. Organizations filing Objections should identify factual problems in the Exclusion Request (e.g., product description).	
	Comments:	
3.f	Has the organization making the Exclusion Request asserted that there is no capability in the United States to manufacture this type of steel product it requires? If "Yes" provide comments in the space below.	
	Has the Exclusion Requestor supported its assertion of product uniqueness with engineering and scientific data, or independent laboratory tests results?	
	Does your organization have technical data to disprove the assertions of the Exclusion Requestor? If "Yes" provide comments in the space below, or in attachments.	
	Comments:	
3.g	Has the organization making this Objection Filing within the last two years attempted to sell, or successfully sold, the steel product described in the Exclusion Request to the exclusion requestor previously?	
	Does your organization manufacture a steel product similar to that cited in the Exclusion Request for which it has asked to Exclusion Requestor, within two years of the filing of the Exclusion Request, to perform a formal technical qualification to determine equivalency in form, fit, function and performance?	
	Did the Exclusion Requestor accept or reject the request to perform a formal technical qualification?	
	Comments:	
I have additional information to provide that is proprietary or otherwise business confidential that is relevant and necessary to this submission:		

<u>Instruction: This Objection Filing must be submitted by an organization official authorized to certify the document as being accurate and complete.</u>					
CERTIFICATION					
The undersigned certifies that the information herein supplied in response to this questionnaire is complete and correct to the best of his/her knowledge. It is a criminal offense to willfully make a false statement or representation to any department or agency of the United States Government as to any matter within its jurisdiction. [18 U.S.C. 1001 (1984 & SUPP. 1197)]					
Company Name:					
Name of Authorizing Official:		Title of Authorizing Official			
Phone Number:		Email of Authorizing Official:			
If the Point of Contact is different from the Authorizing Official provide point-of-contact information below.					
Point-of-Contact Name:		Title			
E-mail Address:		Phone Number			
Paperwork Reduction Act Notice					
Per the Paperwork Reduction Act of 1995, public reporting burden for this collection of information is estimated to average 4 hours per response, including the time to review instructions, search existing data sources, gather and maintain data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, to 1401 Constitution Avenue, NW, HCHB 1093, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce, Washington, DC 20230 attn: 0694-0138. Commerce may not collect this information, and you are not required to respond; unless this OMB number is displayed.					

APPENDIX F: ITA 232 EXCLUSION ANALYSIS REVIEW TEMPLATE

(b) (5)



APPENDIX G: ITA CHECKLIST FOR EXCLUSION REQUESTS

EXCLUSION REQUEST CHECKLIST

(b) (5)



APPENDIX H: ITA CHECKLIST FOR EXCLUSION REQUESTS

OBJECTION FILING CHECKLIST

(b) (5)



(b) (5)



APPENDIX I: GUIDANCE ON HANDLING PUBLIC INQUIRIES

If you get any public inquiries, please direct them to the following coordinates below:

- Director, Industrial Studies, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce
- (202) 482-5642, Steel232@bis.doc.gov regarding steel exclusion requests
- (202) 482-4757, Aluminum232@bis.doc.gov regarding aluminum exclusion requests

APPENDIX J: SECTION 232 TRAINING SLIDES

SECTION 232 INVESTIGATIONS: STEEL AND ALUMINUM

For Internal Discussion Purposes Only

WHAT WILL BE COVERED TODAY?

- What is a Section 232 Investigation?
- What is this Section 232 Investigation about?
- What is E&C's role on this one?
- How will we analyze exclusion requests?
- Where will exclusion requests be processed?
- Closing Remarks & Questions

FOR INTERNAL DISCUSSION PURPOSES ONLY

2

WHAT IS A SECTION 232 INVESTIGATION?

- This is an investigation conducted by the U.S. Department of Commerce (DOC) pursuant to Section 232 of the Trade Expansion Act of 1962, as amended.
- Section 232 gives the executive branch the ability to conduct investigations to "determine the effects on the national security of imports."
- The analysis is spearheaded by the Bureau of Industry and Security (BIS) within the DOC, but includes input and feedback from various DOC bureaus, including ITA and our business unit, E&C, and other federal agencies.
- Since 1980, DOC has conducted fourteen Section 232 investigations. Past investigations and remedies have included a variety of steel products, iron ore, plastic molding, oil, etc. To read more about past investigations, visit: <https://www.bis.doc.gov/232>

FOR INTERNAL DISCUSSION PURPOSES ONLY

3

WHAT IS *THIS* SECTION 232 INVESTIGATION ABOUT?

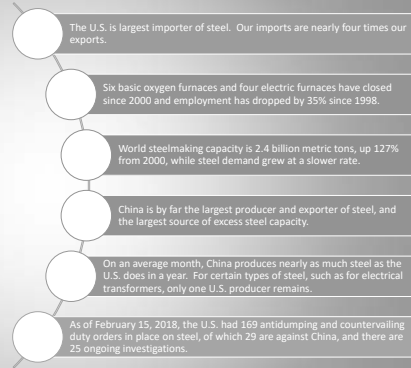
- to determine the effects of imports of steel mill products and aluminum products on the national security of the United States. The analysis focuses on the following considerations:
 - domestic production needed for projected national defense requirements;
 - domestic industry's capacity to meet those requirements;
 - related human and material resources;
 - the importation of goods in terms of their quantities and use;
 - the close relation of national economic welfare to U.S. national security;
 - loss of skills or investment, substantial unemployment and decrease in government revenue; and
 - the impact of foreign competition on specific domestic industries and the impact of displacement of any domestic products by excessive imports.

FOR INTERNAL DISCUSSION PURPOSES ONLY

4

SECTION 232 FINDINGS: *STEEL*


FOR INTERNAL DISCUSSION PURPOSES ONLY



5

THE SECRETARY'S RECOMMENDATIONS ON STEEL:

- A global tariff of at least 24% on all steel imports from all countries, or
- A tariff of at least 53% on all steel imports from 12 countries (Brazil, China, Costa Rica, Egypt, India, Malaysia, Republic of Korea, Russia, South Africa, Thailand, Turkey and Vietnam) with a quota by product on steel imports from all other countries equal to 100% of their 2017 exports to the United States, or
- A quota on all steel products from all countries equal to 63% of each country's 2017 exports to the United States.

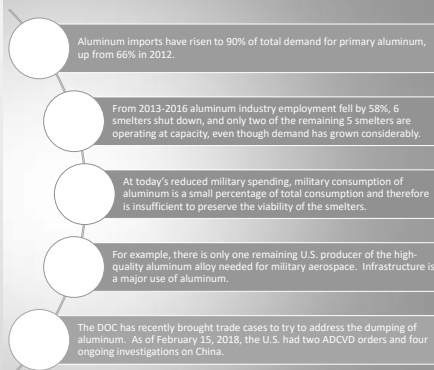
Intent:  *increase domestic steel production from its present 73% of capacity to approximately an 80% operating rate.*

FOR INTERNAL DISCUSSION PURPOSES ONLY

6

SECTION 232 FINDINGS: *ALUMINUM*


FOR INTERNAL DISCUSSION PURPOSES ONLY



7

THE SECRETARY'S RECOMMENDATIONS ON ALUMINUM:

- These would cover both aluminum ingots and a wide variety of aluminum products:
- A tariff of at least 7.7% on all aluminum exports from all countries, or
- A tariff of 23.6% on all products from China, Hong Kong, Russia, Venezuela and Vietnam. All the other countries would be subject to quotas equal to 100% of their 2017 exports to the United States, or
- A quota on all imports from all countries equal to a maximum of 86.7% of their 2017 exports to the United States.

Intent:  *production of aluminum from the present 48% average capacity to 80%, a level that would provide the industry with long-term viability.*

FOR INTERNAL DISCUSSION PURPOSES ONLY

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WHAT IS IN THE PRESIDENT'S PROCLAMATIONS?

Steel (Proc.9705)

- Impose a 25% ad valorem tariff on all steel imports, except Canada or Mexico, effective March 23, 2018.

Aluminum (Proc.9704)

- Impose a 10% ad valorem tariff on all steel imports, except Canada or Mexico, effective March 23, 2018

Exclusions: Any steel or aluminum articles determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations.

EXACTLY WHAT IS MEANT BY STEEL MILL PRODUCTS?

Steel Mill Products

- **Carbon and Alloy Flat Products (Flat Products):** Produced by rolling semi-finished steel through varying sets of rolls – sheets, strips, and plates.
- **Carbon and Alloy Long Products (Long Products):** Steel products that fall outside the flat products category – bars, rails, rods, and beams.
- **Carbon and Alloy Pipe and Tube Products (Pipe and Tube Products):** Either seamless or welded pipe and tube products. Some of these products may include stainless as well as all other than stainless.
- **Carbon and Alloy Semi-Finished Products (Semi-finished Products):** The initial, intermediate solid forms of molten steel, to be re-heated and further forged, rolled, shaped, or otherwise worked into finished steel products – blooms, billets, slabs, ingots, and steel for castings.
- **Stainless Products:** Steel Products, in flat-rolled, long, pipe and tube, and semi-finished forms, containing at minimum 10.5 percent chromium and, but weight, 1.2 percent or less of carbon, offering better corrosion resistance than other steel.

EXACTLY WHAT IS MEANT BY ALUMINUM PRODUCTS?

Aluminum Products

- Unwrought Aluminum
- Aluminum Bars, rods and profiles
- Aluminum Wire
- Aluminum Plates, Sheets, and Strip, of a thickness exceeding 0.2 mm
- Aluminum Foil (whether or not printed, or backed with paper, paperboard, plastics, or similar backing materials) or a thickness (excluding any backing) not exceeding 0.2 mm.
- Aluminum Tubes and Pipes
- Aluminum Tube and Pipe Fittings
- Other Articles of Aluminum: Castings
- Other Articles of Aluminum: Forgings

THEN THIS HAPPENED...

FR NOTICE (3/19/2018)

- Process and Procedures for submitting exclusion requests;
- Process and Procedures for submitting objections to exclusion requests;

MORE EXEMPTED COUNTRIES (PROVISIONAL)



WHAT HAPPENS MAY 1?

- These suspensions are based on factors including ongoing discussions regarding measures to reduce global excess capacity in steel and aluminum production by addressing its root causes.
- Also, these countries are exempt, pending discussions of satisfactory long-term alternative means to address the threatened impairment to U.S. national security.

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WHAT IS E&C'S ROLE?



Day 1 for BIS is posting of the exclusion request on www.regulations.gov

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HOW WILL WE ANALYZE EXCLUSION REQUESTS?

- We have several factors to consider and some requests will be more challenging than others, but for now, we intend on examining the following in our two-part analysis, provided by the requestors and objectors:

1. Are Identical U.S. Produced Steel Products Available?

- Is identical product currently produced in the United States?
- If not made in U.S., are U.S. producers prepared to produce in U.S. facility with existing capacity?
- If not made in U.S., are U.S. producers prepared to produce in U.S. facility by building additional capacity?
- Can U.S. manufacturer(s) deliver required quantities in time to meet needs of exclusion requestor?
- How many weeks would be required to ramp up production for delivery of requestor's product (1-52 weeks)?
- What is the domestic vs. imported delivery lag time?
- Is product available from an exempted country?

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HOW WILL WE ANALYZE EXCLUSION REQUESTS?

2. Do Substitutes U.S.-Made Products Exist?

- Are substitute U.S.-produced steel products that can serve the need of the exclusion requestor?
- If not, what makes the product unique?
- If not made in the U.S., are U.S. producers prepared to produce in a U.S. facility with existing capacity?
- If not made in the U.S., are U.S. producers prepared to produce in a U.S. facility by building additional capacity?
- Can U.S. producer(s) deliver required quantities in time to meet needs of exclusion requestor?
- How many weeks would be required to ramp up production for delivery of requestor's product (1-52 weeks)?
- What is domestic vs. imported delivery lag time?
- Is product available from an exempted country?

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WHERE WILL EXCLUSION REQUESTS BE PROCESSED?

- Since this process involves inter-and intra-agency coordination, we needed a platform that could cross networks and allows for efficient and effective collaboration.
- We will be using: www.max.gov
- Please go to the website and create an account using your work email address, not your PIV card.
- At our next meeting, you will receive training on how to use max.gov to analyze exclusion requests.

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WHAT DID WE COVER TODAY?

- What is a Section 232 Investigation?
- What is this Section 232 Investigation about?
- What is E&C's role on this one?
- How will we analyze exclusion requests?
- Where will exclusion requests be processed?

YOUR NEXT STEPS:

- Read the [232 Reports](#)
- Read the [FR Notice](#) on Submitting Exclusion Requests
- Create user account on www.max.gov.

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QUESTIONS?

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 705

[Docket No. 180227217–8217–01]

RIN 0694–AH55

Requirements for Submissions Requesting Exclusions From the Remedies Instituted in Presidential Proclamations Adjusting Imports of Steel Into the United States and Adjusting Imports of Aluminum Into the United States; and the Filing of Objections to Submitted Exclusion Requests for Steel and Aluminum

AGENCY: Bureau of Industry and Security, Office of Technology Evaluation, U.S. Department of Commerce.

ACTION: Interim final rule.

SUMMARY: This interim final rule amends the National Security Industrial Base Regulations to add two new supplements. The new supplements set forth the process for how parties in the United States may submit requests for exclusions from actions taken by the President (“exclusion requests”) to protect national security from threats resulting from imports of specified articles. The new supplements also set forth the requirements and process for how parties in the United States may submit objections to the granting of an exclusion request.

The supplements are being added to implement Presidential Proclamations 9704 and 9705 of March 8, 2018 (“Proclamations”), adjusting imports of steel articles identified in Proclamation 9705 (“steel”) and aluminum articles identified in Proclamation 9704 (“aluminum”) through the imposition of duties so that imports of steel articles and aluminum articles will no longer threaten to impair the national security. As set forth in the Proclamations, the President concurred with the findings of the Secretary of Commerce (“Secretary”) in two reports to the President on the investigations under section 232 of the Trade Expansion Act of 1962, as amended, of the effect of imports of steel and aluminum, respectively, on the national security of the United States. The Proclamations authorize the Secretary to grant exclusions from the duties upon request of affected parties if the steel or aluminum articles are determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality or based upon specific national security

considerations. The President directed the Secretary to promulgate regulations as may be necessary to set forth the procedures for an exclusion process.

DATES:

- *Effective date of interim final rule:* This interim final rule is effective March 19, 2018.

- *Comments on this interim final rule:* Comments on this interim final rule must be received by BIS no later than May 18, 2018.

See **SUPPLEMENTARY INFORMATION** section for information on submitting exclusion requests and objections thereto.

ADDRESSES: All comments on the interim final must be submitted by one of the following methods:

- *By the Federal eRulemaking Portal:* <http://www.regulations.gov>. Comments on the interim final rule may be submitted to [regulations.gov](http://www.regulations.gov) docket number BIS–2018–0006 or to BIS–2018–0002, or to both docket numbers.

- By email directly to publiccomments@bis.doc.gov. Include RIN 0694–AH55 in the subject line.

- By mail or delivery to Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce, Room 2099B, 14th Street and Pennsylvania Avenue NW, Washington, DC 20230. Refer to RIN 0694–AH55.

All exclusion requests and objections to submitted exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (<http://www.regulations.gov>).

Steel: This interim final rule can be found by searching for its [regulations.gov](http://www.regulations.gov) docket number, BIS–2018–0006, which is the document number being used for the steel exclusion requests and objection requests.

Aluminum: This interim final rule can also be found by searching for its [regulations.gov](http://www.regulations.gov) docket number, BIS–2018–0002, which is the document number being used for the aluminum exclusion requests and objection requests.

All exclusion requests, objections to submitted exclusion requests, and comments on the interim final rule will be made available for public inspection and copying. All exclusion requests, objections to submitted exclusion requests, and comments on the interim final rule will be made available for public inspection and copying. Information that is subject to government-imposed access and dissemination or other specific national security controls, e.g., classified information or information that has U.S. Government restrictions on

dissemination to non-U.S. citizens or other categories of persons that would prohibit public disclosure of the information, may not be included in exclusion requests or objections to submitted exclusion requests. Additionally, personally identifiable information, including social security numbers and employer identification numbers, should not be provided. Individuals and organizations submitting exclusion requests or an objection to submitted exclusion requests are responsible for ensuring such information is not included. Individuals and organizations that have proprietary or otherwise business confidential information that they believe relevant to the Secretary’s consideration of the submitted exclusion request or objections to submitted exclusion requests should so indicate in the appropriate field of the relevant form. Individuals and organization must otherwise fully complete the relevant forms.

Comments on the interim final rule may be submitted to [regulations.gov](http://www.regulations.gov) docket number BIS–2018–0006 or to BIS–2018–0002, or to both docket numbers.

Exclusion requests and objections to submitted exclusion requests must be submitted to the respective document number for steel or aluminum.

FOR FURTHER INFORMATION CONTACT: Brad Botwin, Director, Industrial Studies, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce (202) 482–5642, Steel232@bis.doc.gov regarding steel exclusion requests and (202) 482–4757, Aluminum232@bis.doc.gov regarding aluminum exclusion requests.

SUPPLEMENTARY INFORMATION:

Background

On April 19, 2017, the Secretary initiated an investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of steel. On April 20, 2017, the President signed a memorandum directing the Secretary to proceed expeditiously in conducting his investigation and submit a report on his findings to the President. The President further directed that if the Secretary finds that steel is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, the Secretary shall recommend actions and steps that should be taken to adjust steel imports so that they will not threaten to impair the national security.

On April 26, 2017, the Secretary initiated an investigation under section

232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of aluminum. On April 27, 2017, the President signed a memorandum directing the Secretary to proceed expeditiously in conducting his investigation and submit a report on his findings to the President. The President further directed that if the Secretary finds that aluminum is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, the Secretary shall recommend actions and steps that should be taken to adjust aluminum imports so that they will not threaten to impair the national security.

On March 8, 2018, the President issued Proclamations 9704 and 9705 concurring with the findings of the two reports and determining that adjusting imports through the imposition of duties on steel articles and aluminum articles is necessary so that imports of steel and aluminum will no longer threaten to impair the national security. The Key Findings of the Steel and Aluminum Reports, Recommendations of the Steel and Aluminum Reports, and web links to the January 11, 2018 Steel Report, and the January 17, 2018 Aluminum Report are available on the Department of Commerce website: <https://www.commerce.gov/news/press-releases/2018/02/secretary-ross-releases-steel-and-aluminum-232-reports-coordination>.

The Proclamations also authorized the Secretary, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior executive branch officials as appropriate, to grant exclusions from the duties for domestic parties affected by the duties, if the Secretary determines the steel or aluminum article for which the exclusion is requested is not produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality or should be excluded based upon specific national security considerations. The President directed the Secretary to promulgate regulations as may be necessary to implement an exclusion process.

This interim final rule amends the National Security Industrial Base Regulations (15 CFR parts 700–705) to add two new supplements to part 705 which set forth the requirements and process for how parties in the United States may submit requests for exclusions from the remedies instituted

by the President in the Proclamations (“exclusion requests”). The new supplements also set forth the requirements and process for how parties in the United States may submit objections to the granting of exclusion requests.

Only individuals or organizations using steel articles identified in Proclamation 9705 in business activities (e.g., construction, manufacturing, or supplying steel to users) in the United States may submit exclusion requests with respect to that Proclamation. This limitation recognizes the close relation of the economic welfare of the Nation to our national security by affording those who contribute to that economic welfare through business activities in the United States the opportunity to submit exclusion requests based on particular economic and national security considerations. Allowing individuals or organizations not engaged in business activities in the United States to seek exclusion requests could undermine the adjustment of imports that the President determined was necessary to address the threat to national security posed by the current import of steel articles. Any individual or organization in the United States may file objections to steel exclusion requests, but the Commerce Department will only consider information directly related to the submitted exclusion request that is the subject of the objection.

Only individuals or organizations using aluminum articles identified in Proclamation 9704 in business activities (e.g., construction, manufacturing, or supplying aluminum to users) in the United States may submit exclusion requests. This limitation recognizes the close relation of the economic welfare of the Nation to our national security by affording those who contribute to that economic welfare through business activities in the United States the opportunity to submit exclusion requests based on particular economic and national security considerations. Allowing individuals or organizations not engaged in business activities in the United States to seek exclusion requests could undermine the adjustment of imports that the President determined was necessary to address the threat to national security posed by the current import of aluminum articles. Any individual or organization in the United States may file objections to exclusion requests, but the Commerce Department will only consider information directly related to the submitted exclusion request that is the subject of the objection.

Approved exclusions will be made on a product basis and will be limited to

the individual or organization that submitted the specific exclusion request, unless Commerce approves a broader application of the product based exclusion request to apply to additional importers.

Other individuals or organizations that wish to submit an exclusion request for a steel or aluminum product already approved for exclusion may submit an exclusion request under the two new supplements. Such follow-on requesters of exclusion requests are not required to reference a previously approved exclusion, but Commerce may take that into account when reviewing a subsequent exclusion request.

In addition, individuals and organizations will not be precluded from submitting a request for exclusion of a product where a previous exclusion request for the same product had been denied or is no longer valid. For example, it might be that the first exclusion request was inadequate to demonstrate the criteria were met for approving that exclusion request. The later requester should, however, submit new or different information in an attempt to meet the criteria for approving an exclusion request for that product.

Addition of New Supplements

This interim final rule amends part 705 (Effects of Imported Articles on the National Security) by adding Supplement No. 1—Requirements for Submissions Requesting Exclusions from the Remedies Instituted in Presidential Proclamation 9705 of March 8, 2018 Adjusting Imports of Steel into the United States. This interim final rule also amends part 705 by adding Supplement No. 2—Requirements for Submissions Requesting Exclusions from the Remedies Instituted in Presidential Proclamation 9704 of March 8, 2018 Adjusting Imports of Aluminum into the United States. The two new supplements specify the requirements and process for how parties may submit exclusion requests. The new supplements also specify the requirements and process for how parties may submit objections to exclusion requests.

The two new supplements follow the same structure, but have different criteria based on the differences between the steel and aluminum industries.

These new supplements consist of introductory text that describe the Section 232 steel or aluminum Proclamation issued by the President imposing duties on the imports of steel articles and aluminum articles.

Paragraph (a)(*Scope*) defines the scope of the supplement.

Paragraph (b)(*Required forms*) identifies the forms that must be used to submit an exclusion request or an objection to an exclusion request pursuant to each new supplement. Paragraph (b) also describes the requirements to provide the requested information on the applicable form in order to submit an exclusion request or an objection to a submitted exclusion request. Paragraph (b)(3)(*Public disclosure*) specifies that information included in exclusion requests and objections to submitted exclusion requests will be subject to public disclosure. Paragraph (b)(3) also specifies that personally identifiable information, including social security numbers and employer identification numbers, should not be provided. Information that is subject to government-imposed access and dissemination or other specific national security controls, e.g., classified information or information that has U.S. Government restrictions on dissemination to non-U.S. citizens or other categories of persons that would prohibit public disclosure of the information, may not be included in exclusion requests or objections to submitted exclusion requests. Individuals and organizations that have proprietary or otherwise business confidential information that they believe relevant to the Secretary's consideration of the submitted exclusion request or objections to submitted exclusion requests should so indicate in the appropriate field of the relevant form. Individuals and organization must otherwise fully complete the relevant forms.

The criteria in paragraph (b) of each supplement are slightly different to make the paragraph specific to steel in Supplement No. 1 and specific to aluminum in Supplement No. 2; otherwise, paragraph (b) follows the same structure in the two new supplements. The *regulations.gov* docket number is different for Supplement No. 1 and Supplement No. 2, as is the BIS website address where copies of the respective forms may be located.

Paragraph (c)(*Exclusion requests*) describes additional requirements for submitting exclusion requests. Paragraphs (c)(1) to (4) specify which individuals or organizations may submit exclusion requests, how exclusion requests must be identified and submitted in *regulations.gov*, and the time limit for submitting exclusion requests. All exclusion requests must be in electronic form, but may be

submitted at any time. Paragraph (c)(5) specifies the substance that must be addressed in an exclusion request. The criteria in paragraph (c) of each supplement are slightly different to make the paragraphs specific to steel in Supplement No. 1 and specific to aluminum in Supplement No. 2, but otherwise follow the same structure in the two new supplements.

Paragraph (d)(*Objections to submitted exclusion requests*) describes additional requirements for submitting objections to submitted exclusion requests. Paragraphs (d)(1) to (3) specify how objections must be identified and submitted in *regulations.gov* and the time limit for submitting objections to submitted exclusion requests. All objections to the granting of an exclusion request must be in electronic form and submitted no later than 30 days after the related exclusion request is posted. Paragraph (d)(4) specifies the substance that must be addressed in an objection. The criteria in paragraph (d) of each supplement are slightly different to make the paragraphs specific to steel in Supplement No. 1 and specific to aluminum in Supplement No. 2, but otherwise follow the same structure in the two new supplements.

Paragraph (e)(*Limitations on the size of submissions*) applies to exclusion requests and objections to submitted exclusion requests. Paragraph (e) imposes a page limit on any exclusion request or objection to a submitted exclusion request. The respective forms are not counted for determining the page limitation.

Paragraph (f)(*Disposition of exclusion requests and objections to submitted exclusion requests*), includes a paragraph (f)(1) to specify what happens to exclusion requests and objections to submitted exclusion requests that do not satisfy all of the requirements in the supplement. Paragraph (f)(2) describes how BIS will respond to complete submissions for exclusion requests and objections to submitted exclusion requests. Paragraph (f)(2) also states that the BIS response to an exclusion request will also be responsive to any objection(s) for that submitted exclusion request. BIS will have a single response to each exclusion request that will be posted in *regulations.gov*. This single BIS response will also take into account any objection(s) to the submitted exclusion request.

Paragraph (g)(*For further information*) will identify the point of contact for further questions on the two new supplements.

Relationship Between Country-Based Exemptions Specified in the Presidential Proclamations, and the Product-Based Exclusion and Objection Process Included in This Rule

The process described above for the two new supplements is separate and apart from the process by which countries may seek exemptions from the duties imposed by the President. The process established in this interim final rule is limited to the issuance of product-based exclusions as authorized by the President. Consistent with the President's instructions, the criteria in the forms and supplements are primarily focused on the availability of the product in the United States. The Secretary will consider information about supply in other countries to the extent relevant to determining whether specific national security considerations warrant an exclusion. Commenters on this interim final rule may submit comments regarding how and whether or not the country of origin of a proposed product should be considered by Commerce as part of the process for reviewing product-based exclusion requests.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be a "significant regulatory action," although not economically significant, under section 3(f) of Executive Order 12866. However, as stated under Section 4 of Presidential Proclamation 9704 and Section 4 of Proclamation 9705 of March 8, 2018, this rule is exempt from Executive Order 13771 (82 FR 9339, February 3, 2017).

2. The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) provides that an agency generally cannot conduct or sponsor a collection of information, and no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, unless that collection has obtained Office of Management and Budget (OMB) approval and displays a currently valid OMB Control Number.

The Commerce Department requested and OMB authorized emergency processing of two information collections involved in this rule, consistent with 5 CFR 1320.13. The Presidential Proclamations authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior Executive Branch officials as appropriate, to grant exclusions for the import of goods not currently available in the United States in a sufficient quantity or satisfactory quality, or for other specific national security reasons. He further directed the Secretary to establish the process for submitting and granting these requests for exclusions within 10 days, and this interim final rule fulfills that direction. The immediate implementation of an effective exclusion request process, consistent with the intent of the Presidential Proclamations, also requires creating a process to allow any individual or organization in the United States to submit objections to submitted exclusion requests. The Department has determined the following conditions have been met:

a. The collection of information is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act in view of the President's proclamations issued on March 8, 2018, for the Presidential Proclamation on Adjusting Imports of Steel into the United States, <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-adjusting-imports-steel-united-states/>, and for the Presidential Proclamation on Adjusting Imports of Aluminum into the United States, <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-adjusting-imports-aluminum-united-states/>.

b. The collection of information is essential to the mission of the Department, in particular to the adjudication of exclusion requests and objections to exclusions requests.

c. The use of normal clearance procedures would prevent the collection of information of exclusion requests and objections to exclusion requests, for national security purposes, as discussed under section 232 of the Trade Expansion Act of 1962 as amended and the Presidential Proclamations issued on March 8, 2018.

Commerce Department intends to provide separate 60-day notice in the **Federal Register** requesting public comment on the information collections contained within this rule.

Agency: Commerce Department.

Type of Information Collection: New Collection.

Title of the Collection: Procedures for Submitting Requests for Exclusions from the Remedies Instituted by the President in the Presidential Proclamations 9705 and 9704 of March 8, 2018 Adjusting Imports of Steel into the United States and Adjusting Imports of Aluminum into the United States.

Affected Public: Private Sector—Businesses.

Total Estimated Number of Respondents: [4,500].

Average Responses per Year: [1].

Total Estimated Number of Responses: [4,500].

Average Time per Response: 4 hours.

Total Annual Time Burden: [18,000].

Type of Information Collection: [New Collection].

OMB Control Number: [0694–0139].

Title of the Collection: Objection Filing to Posted Section 232 Exclusion Request: Steel; and Objection Filing to Posted Section 232 Exclusion Request: Aluminum, respectively.

Affected Public: Private Sector—Businesses.

Total Estimated Number of Respondents: [1,500].

Average Responses per Year: [1].

Total Estimated Number of Responses: [1,500].

Average Time per Response: [4].

Total Annual Time Burden: [6,000].

Type of Information Collection: [New Collection].

OMB Control Number: [0694–0138].

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (See 5 U.S.C. 553(a)(1)). As explained in the reports submitted by the Secretary to the President, steel and aluminum are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States and therefore the President is implementing these remedial actions (as described Proclamations 9704 and 9705 of March 8, 2018) to protect U.S. national security interests. That implementation includes

the creation of a process by which affected domestic parties can obtain exclusion requests “based upon specific national security considerations.”

In addition, the Department finds that there is good cause under 5 U.S.C. 553(b)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment and under 5 U.S.C. 553(d)(3) to waive the delay in effective date because such delays would be either impracticable or contrary to the public interest. In order to ensure that the actions taken to adjust imports do not undermine users of steel or aluminum that are subject to the remedial actions instituted by the Proclamations and are critical to protecting the national security of the United States, the Presidential Proclamations authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior Executive Branch officials as appropriate, to grant exclusions for the import of goods not currently available in the United States in a sufficient quantity or satisfactory quality, or for other specific national security reasons. He further directed the Secretary to, within 10 days, issue procedures for submitting and granting these requests for exclusions and this interim final rule fulfills that direction. The immediate implementation of an effective exclusion request process, consistent with the intent of the Presidential Proclamations, also requires creating a process to allow any individual or organization in the United States to submit objections to submitted exclusion requests.

If this interim final rule was delayed to allow for public comment or for thirty days before companies in the U.S. were allowed to request exclusions from the remedies instituted by the President, those entities could face significant economic hardship that could potentially create a detrimental effect on the general U.S. economy. Likewise, our national security could be harmed if particular national security considerations justify an exclusion, but the process for obtaining such exclusion were delayed.

Because a notice of proposed rulemaking and an opportunity for prior public comment are not required for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly,

no regulatory flexibility analysis is required and none has been prepared.

Pursuant to Proclamations 9704 and 9705 of March 8, 2018, the establishment of procedures for an exclusion process under each Proclamation shall be published in the **Federal Register** and are exempt from Executive Order 13771.

List of Subjects in 15 CFR Part 705

Administrative practice and procedure, Business and industry, Classified information, Confidential business information, Imports, Investigations, National Security.

For the reasons set forth in the preamble, part 705 of Subchapter A, National Security Industrial Base Regulations, of 15 CFR chapter VII, is amended as follows:

PART 705—[AMENDED]

■ 1. The authority citation for part 705 is revised to read as follows:

Authority: Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) and Reorg. Plan No. 3 of 1979 (44 FR 69273, December 3, 1979).

■ 2. Part 705 is amended by adding Supplement No. 1 and Supplement No. 2 to read as follows:

Supplement No. 1 to Part 705— Requirements for Submissions Requesting Exclusions From the Remedies Instituted in Presidential Proclamation 9705 of March 8, 2018 Adjusting Imports of Steel Articles Into the United States

On March 8, 2018, the President issued Proclamation 9705 concurring with the findings of the January 11, 2018 report of the Secretary of Commerce on the effects of imports of steel mill articles (steel articles) identified in Proclamation 9705 (“steel”) on the national security and determining that adjusting steel imports through the imposition of duties is necessary so that imports of steel will no longer threaten to impair the national security. The Proclamation also authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior Executive Branch officials as appropriate, to grant exclusions from the duties for parties in the United States affected by the duties if the steel articles are determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality or based upon specific national security considerations.

(a) *Scope.* This supplement specifies the requirements and process for how parties in the United States may submit requests for exclusions from the remedies instituted by

the President. This supplement also specifies the requirements and process for how parties in the United States may submit objections to submitted exclusion requests. This supplement identifies the time periods for which such exclusion requests and objections to submitted exclusion requests may be submitted, the method for submitting such requests, and the information that must be included in exclusion requests and objections to submitted exclusion requests.

(b) *Required forms.* BIS has posted two separate fillable forms on the BIS website at <https://www.bis.doc.gov/index.php/232-steel> and on the Federal rulemaking portal (<http://www.regulations.gov>) that are to be used by organizations for submitting exclusion requests, and objections to exclusion requests described in this supplement. On [regulations.gov](http://www.regulations.gov), you can find these two forms by searching for its [regulations.gov](http://www.regulations.gov) docket number, which is BIS–2018–0006. The U.S. Department of Commerce requires requesters and objectors to use the appropriate form as specified under paragraphs (b)(1) and (b)(2) of this supplement for submitting exclusion requests and objections to submitted exclusion requests.

(1) *Form required for submitting exclusion requests.* The name of the form used for submitting exclusion requests is *Request for Exclusion from Remedies Resulting from the Section 232 National Security Investigation of Imports of Steel*.

(2) *Form required for submitting objections to submitted exclusion requests.* The name of the form used for submitting objections to submitted exclusion requests is *Response Form for Objections to Posted Section 232 Exclusion Requests—Steel*.

(3) *Public disclosure.* Information submitted in exclusion requests and objections to submitted exclusion requests will be subject to public review and made available for public inspection and copying. Personally identifiable information, including social security numbers and employer identification numbers, should not be provided. Information that is subject to government-imposed access and dissemination or other specific national security controls, e.g., classified information or information that has U.S. Government restrictions on dissemination to non-U.S. citizens or other categories of persons that would prohibit public disclosure of the information, may not be included in exclusion requests or objections to submitted exclusion requests. Individuals and organizations that have proprietary or otherwise business confidential information that they believe relevant to the Secretary’s consideration of the submitted exclusion request or objections to submitted exclusion requests should so indicate in the appropriate field of the relevant form. Individuals and organization must otherwise fully complete the relevant forms.

Note to Paragraph (b) for Submission of Supporting Documents (Attachments): Supporting attachments must be submitted to [regulations.gov](http://www.regulations.gov) as PDF documents.

(c) *Exclusion requests.*

(1) *Who may submit an exclusion request?* Only individuals or organizations using steel in business activities (e.g., construction,

manufacturing, or supplying steel product to users) in the United States may submit exclusion requests.

(2) *Identification of exclusion requests.* The file name of the submission must include the submitter’s name, date of submission, and the 10-digit Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number. For example, if Company A is submitting an exclusion request on June 1, 2018, the file should be named as follows: “Company A exclusion request of 6–1–18 for 7207200045 HTSUS.” Separate exclusion requests must be submitted for steel products with chemistry by percentage breakdown by weight, metallurgical properties, surface quality (e.g., galvanized, coated, etc.), and distinct critical dimensions (e.g., 0.25-inch rebar, 0.5-inch rebar; 0.5-inch sheet, or 0.75 sheet) covered by a common HTSUS subheading. Separate exclusion requests must also be submitted for products falling in more than one 10-digit HTSUS statistical reporting number. The Commerce Department will approve exclusions on a product basis and the approvals will be limited to the individual or organization that submitted the specific exclusion request, unless Commerce approves a broader application of the product-based exclusion request to apply to additional importers. Other individuals or organizations that wish to submit an exclusion request for a steel or aluminum product that has already been the subject of an approved exclusion request may submit an exclusion under this supplement. These additional exclusion requests by other individuals or organizations in the United States are not required to reference the previously approved exclusion, but Commerce may take that into account when reviewing a subsequent exclusion request. Individuals and organizations in the United States will not be precluded from submitting a request for exclusion of a product even though an exclusion request submitted for that product by another requester or that requester was denied or is no longer valid.

(3) *Where to submit exclusion requests?* All exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (<http://www.regulations.gov>). You can find the interim final rule that added this supplement by searching for the [regulations.gov](http://www.regulations.gov) docket number, which is BIS–2018–0006.

(4) *No time limit for submitting exclusion requests.* All exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (<http://www.regulations.gov>), but may be submitted at any time.

(5) *Substance of exclusion requests.* An exclusion request must specify the business activities in the United States within which the requester is engaged that authorize the individual or organization to submit an exclusion request. The request should clearly identify, and provide support for, the basis upon which the exclusion is sought. An exclusion will only be granted if an article is not produced in the United States in a sufficient and reasonably available amount, is not produced in the United States in a satisfactory quality, or for a specific national security consideration.

(d) *Objections to submitted exclusion requests.*

(1) *Who may submit an objection to a submitted exclusion request?* Any individual or organization in the United States may file objections to steel exclusion requests, but the Commerce Department will only consider information directly related to the submitted exclusion request that is the subject of the objection.

(2) *Identification of objections to submitted exclusion requests.* When submitting an objection to a submitted exclusion request, the objector must locate the exclusion request and submit a comment on the submitted exclusion request in *regulations.gov*. The file name of the objection submission should include the objector's name, date of submission of the objection, name of the organization that submitted the exclusion request, and date the exclusion request was posted. For example, if Company B is submitting on April 1, 2018, an objection to an exclusion request submitted on March 15, 2018 by Company A, the file should be named: "Company B objection_4-1-18 for Company A exclusion request_3-15-18." In *regulations.gov* once an objection to a submitted exclusion request is posted, the objection will appear as a document under the related exclusion request.

(3) *Time limit for submitting objections to submitted exclusions requests.* All objections to submitted exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (<http://www.regulations.gov>) no later than 30 days after the related exclusion request is posted.

(4) *Substance of objections to submitted exclusion requests.* The objection should clearly identify, and provide support for, its opposition to the proposed exclusion, with reference to the specific basis identified in, and the support provided for, the submitted exclusion request.

(e) *Limitations on the size of submissions.* Each exclusion request and each objection to a submitted exclusion request is to be limited to a maximum of 25 pages, respectively, inclusive of all exhibits and attachments, but exclusive of the respective forms. Any further information required will be determined and requested solely by the U.S. Department of Commerce.

(f) *Disposition of exclusion requests and objections to submitted exclusion requests.*

(1) *Disposition of incomplete submission.*

(A) Exclusion requests that do not satisfy the reporting requirements specified in paragraph (b) of this supplement will be denied.

(B) Objection filings that do not satisfy the specified reporting requirements will not be considered.

(2) *Disposition of complete submissions.* The U.S. Department of Commerce will post responses in *regulations.gov* to each exclusion request submitted under docket number BIS-2018-0006. The BIS response to an exclusion request will also be responsive to any of the objection request(s) for that submitted exclusion request submitted under docket number BIS-2018-0006. Approved exclusions will be effective five business days after publication of the responses in *regulations.gov*. Starting on that date, the

requester will be able to rely upon the approved exclusion request in calculating the duties owed on the product imported in accordance with the terms listed in the approved exclusion request. Exclusions will generally be approved for one year.

(3) *Review period and implementation of any needed conforming changes.* The review period normally will not exceed 90 days, including adjudication of objections submitted on exclusion requests. Other agencies of the U.S. Government, such as the United States International Trade Commission (USITC) and U.S. Customs and Border Protection (CBP), will take any additional steps needed to implement an approved exclusion request. The U.S. Department of Commerce will provide CBP with information that will identify each approved exclusion request pursuant to this supplement. Individuals or organizations whose exclusion requests are approved must report information concerning any applicable exclusion in such form as CBP may require. These exclusion identifiers will be used by importers in the data collected by CBP in order for CBP to determine whether an import is within the scope of an approved exclusion request.

(g) *For further information.* If you have questions on this supplement, you may contact Director, Industrial Studies, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce, (202) 482-5642, Steel232@bis.doc.gov regarding steel exclusion requests and (202) 482-4757, Aluminum232@bis.doc.gov regarding aluminum exclusion requests.

Supplement No. 2 to Part 705—Requirements for Submissions Requesting Exclusions From the Remedies Instituted in Presidential Proclamation 9704 of March 8, 2018 to Adjusting Imports of Aluminum Into the United States

On March 8, 2018, the President issued Proclamation 9704 concurring with the findings of the January 17, 2018 report of the Secretary of Commerce on the investigation into the effects of imports of aluminum identified in Proclamation 9704 ("aluminum") on the national security and determining that adjusting aluminum imports through the imposition of duties is necessary so that imports of aluminum will no longer threaten to impair the national security. The Proclamation also authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior Executive Branch officials as appropriate, to grant exclusions from the duties for parties in the United States affected by the duties if the aluminum articles are determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality or based upon specific national security considerations.

(a) *Scope.* This supplement specifies the requirements and process for how parties in

the United States may submit requests for exclusions from the remedies instituted by the President. This supplement also specifies the requirements and process for how parties in the United States may submit objections to submitted exclusion requests. This supplement identifies the time periods for which such exclusion requests and objections to submitted exclusion requests may be submitted, the method for submitting such requests, and the information that must be included in exclusion requests and objections to submitted exclusion requests.

(b) *Required forms.* BIS has posted two separate fillable forms on the BIS website at <https://www.bis.doc.gov/index.php/232-aluminum> and on the Federal rulemaking portal (<http://www.regulations.gov>) that are to be used by organizations for submitting exclusion requests, and objections to exclusion requests described in this supplement. On *regulations.gov*, you can find these two forms by searching for its *regulations.gov* docket number, which is BIS-2018-0002. The U.S. Department of Commerce requires requesters and objectors to use the appropriate form as specified under paragraphs (b)(1) and (b)(2) for submitting exclusion requests and objections to submitted exclusion requests.

(1) *Form required for submitting exclusion requests.* The name of the form used for submitting exclusion requests is *Request for Exclusion from Remedies Resulting from the Section 232 National Security Investigation of Imports of Aluminum*.

(2) *Form required for submitting objections to submitted exclusion requests.* The name of the form used for submitting objections to submitted exclusion requests is *Response Form for Objections to Posted Section 232 Exclusion Requests—Aluminum*.

(3) *Public disclosure.* Information submitted in exclusion requests and objections to submitted exclusion requests will be subject to public review and made available for public inspection and copying. Personally identifiable information, including social security numbers and employer identification numbers, should not be provided. Information that is subject to government-imposed access and dissemination or other specific national security controls, e.g., classified information or information that has U.S. Government restrictions on dissemination to non-U.S. citizens or other categories of persons that would prohibit public disclosure of the information, may not be included in exclusion requests or objections to submitted exclusion requests. Individuals and organizations that have proprietary or otherwise business confidential information that they believe relevant to the Secretary's consideration of the submitted exclusion request or objections to submitted exclusion requests should so indicate in the appropriate field of the relevant form. Individuals and organization must otherwise fully complete the relevant forms.

Note to Paragraph (b) for Submission of Supporting Documents (Attachments): Supporting attachments must be submitted to *regulations.gov* as PDF documents.

(c) *Exclusion requests.*

(1) *Who may submit an exclusion request?* Only individuals or organizations using

aluminum in business activities (e.g., construction, manufacturing, or supplying aluminum product to users) in the United States may submit exclusion requests.

(2) *Identification of exclusion requests.* The file name of the submission must include the submitter's name, date of submission, and the 10-digit Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number. For example, if Company A is submitting an exclusion request on June 1, 2018, the file should be named as follows: "Company A exclusion request of 6–1–18 for 7604293050 HTSUS." Separate exclusion requests must be submitted for aluminum products with distinct critical dimensions (e.g., 10 mm diameter bar, 15 mm bar, or 20 mm bar) covered by a common HTSUS statistical reporting number. Separate exclusion requests must also be submitted for products falling in more than one 10-digit HTSUS statistical reporting number. The Commerce Department will approve exclusions on a product basis and the approvals will be limited to the individual or organization that submitted the specific exclusion request, unless Commerce approves a broader application of the product-based exclusion request to apply to additional importers. Other individuals or organizations that wish to submit an exclusion request for a steel or aluminum product that has already been the subject of an approved exclusion request may submit an exclusion under this supplement. These additional exclusion requests by other individuals or organizations in the United States are not required to reference the previously approved exclusion, but Commerce may take that into account when reviewing a subsequent exclusion request. Individuals and organizations in the United States will not be precluded from submitting a request for exclusion of a product even though an exclusion request submitted for that product by another requester or that requester was denied or is no longer valid.

(3) *Where to submit exclusion requests?* All exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (<http://www.regulations.gov>). You can find the interim final rule that added this supplement by searching for the *regulations.gov* docket number, which is BIS–2018–0002.

(4) *No time limit for submitting exclusion requests.* All exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (<http://www.regulations.gov>), but may be submitted at any time.

(5) *Substance of exclusion requests.* An exclusion request must specify the business activities in the United States within which

the requester is engaged that authorize the individual or organization to submit an exclusion request. The request should clearly identify, and provide support for, the basis upon which the exclusion is sought. An exclusion will only be granted if an article is not produced in the United States in a sufficient and reasonably available amount, is not produced in the United States in a satisfactory quality, or for a specific national security consideration.

(d) *Objections to submitted exclusion requests.*

(1) *Who may submit an objection to a submitted exclusion request?* Any individual or organization in the United States may file objections to steel exclusion requests, but the Commerce Department will only consider information directly related to the submitted exclusion request that is the subject of the objection.

(2) *Identification of objections to submitted exclusion requests.* When submitting an objection to a submitted exclusion request, the objector must locate the exclusion request and submit a comment on the submitted exclusion request in *regulations.gov*. The file name of the objection submission should include the objector's name, date of submission of the objection, name of the organization that submitted the exclusion request, and date the exclusion request was posted. For example, if Company X is submitting on April 1, 2018, an objection to an exclusion request submitted on March 15, 2018 by Company A, the file should be named: "Company X objection_4–1–18 for Company A exclusion request_3–15–18." In *regulations.gov* once an objection to a submitted exclusion request is posted, the objection will appear as a document under the related exclusion request.

(3) *Time limit for submitting objections to submitted exclusions requests.* All objections to submitted exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (<http://www.regulations.gov>) no later than 30 days after the related exclusion request is posted.

(4) *Substance of objections to submitted exclusion requests.* The objection should clearly identify, and provide support for, its opposition to the proposed exclusion, with reference to the specific basis identified in, and the support provided for, the submitted exclusion request.

(e) *Limitations on the size of submissions.* Each exclusion request and each objection to a submitted exclusion request is to be limited to a maximum of 25 pages, respectively, inclusive of all exhibits and attachments, but exclusive of the respective forms. Any further information required will be determined and

requested solely by the U.S. Department of Commerce.

(f) *Disposition of exclusion requests and objections to submitted exclusion requests.*

(1) *Disposition of incomplete submission.*

(A) Exclusion requests that do not satisfy the reporting requirements specified in paragraph (b) of this supplement will be denied.

(B) Objection filings that do not satisfy the reporting requirements specified in paragraph (b) will not be considered.

(2) *Disposition of complete submissions.* The U.S. Department of Commerce will post responses in *regulations.gov* to each exclusion request submitted under docket number BIS–2018–0002. The BIS response to an exclusion request will also be responsive to any of the objection request(s) for that submitted exclusion request submitted under docket number BIS–2018–0002. Approved exclusions will be effective five business days after publication of the responses in *regulations.gov*. Starting on that date, importers will be considered to be excluded. Exclusions will generally be approved for one year.

(3) *Review period and implementation of any needed conforming changes.* The review period normally will not exceed 90 days, including adjudication of objections submitted on exclusion requests. Other agencies of the U.S. Government, such as the United States International Trade Commission (USITC) and U.S. Customs and Border Protection, will take any additional steps needed to implement an approved exclusion request. The U.S. Department of Commerce will provide CBP with information that will identify each approved exclusion request pursuant to this supplement. Importers are directed to report information concerning any applicable exclusion granted by Commerce in such form as CBP may require. These exclusion identifiers will be used by importers in the data collected by CBP in order for CBP to determine whether an import is within the scope of an approved exclusion request.

(g) *For further information.* If you have questions on this supplement, you may contact Director, Industrial Studies, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce, (202) 482–5642, Steel232@bis.doc.gov regarding steel exclusion requests and (202) 482–4757, Aluminum232@bis.doc.gov regarding aluminum exclusion requests.

Wilbur L. Ross,

Secretary of Commerce.

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Presidential Documents

Title 3—

Proclamation 9704 of March 8, 2018

The President

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America

A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. The Secretary found and advised me of his opinion that aluminum is being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. The Secretary found that the present quantities of aluminum imports and the circumstances of global excess capacity for producing aluminum are “weakening our internal economy,” leaving the United States “almost totally reliant on foreign producers of primary aluminum” and “at risk of becoming completely reliant on foreign producers of high-purity aluminum that is essential for key military and commercial systems.” Because of these risks, and the risk that the domestic aluminum industry would become “unable to satisfy existing national security needs or respond to a national security emergency that requires a large increase in domestic production,” and taking into account the close relation of the economic welfare of the Nation to our national security, *see* 19 U.S.C. 1862(d), the Secretary concluded that the present quantities and circumstances of aluminum imports threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

3. In light of this conclusion, the Secretary recommended actions to adjust the imports of aluminum so that such imports will not threaten to impair the national security. Among those recommendations was a global tariff of 7.7 percent on imports of aluminum articles in order to reduce imports to a level that the Secretary assessed would enable domestic aluminum producers to use approximately 80 percent of existing domestic production capacity and thereby achieve long-term economic viability through increased production. The Secretary has also recommended that I authorize him, in response to specific requests from affected domestic parties, to exclude from any adopted import restrictions those aluminum articles for which the Secretary determines there is a lack of sufficient U.S. production capacity of comparable products, or to exclude aluminum articles from such restrictions for specific national security-based considerations.

4. I concur in the Secretary’s finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and I have considered his recommendations.

5. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

6. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of acts affecting import treatment,

and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

7. In the exercise of these authorities, I have decided to adjust the imports of aluminum articles by imposing a 10 percent ad valorem tariff on aluminum articles, as defined below, imported from all countries except Canada and Mexico. In my judgment, this tariff is necessary and appropriate in light of the many factors I have considered, including the Secretary's report, updated import and production numbers for 2017, the failure of countries to agree on measures to reduce global excess capacity, the continued high level of imports since the beginning of the year, and special circumstances that exist with respect to Canada and Mexico. This relief will help our domestic aluminum industry to revive idled facilities, open closed smelters and mills, preserve necessary skills by hiring new aluminum workers, and maintain or increase production, which will reduce our Nation's need to rely on foreign producers for aluminum and ensure that domestic producers can continue to supply all the aluminum necessary for critical industries and national defense. Under current circumstances, this tariff is necessary and appropriate to address the threat that imports of aluminum articles pose to the national security.

8. In adopting this tariff, I recognize that our Nation has important security relationships with some countries whose exports of aluminum to the United States weaken our internal economy and thereby threaten to impair the national security. I also recognize our shared concern about global excess capacity, a circumstance that is contributing to the threatened impairment of the national security. Any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country. Should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, make any corresponding adjustments to the tariff as it applies to other countries as our national security interests require.

9. I conclude that Canada and Mexico present a special case. Given our shared commitment to supporting each other in addressing national security concerns, our shared commitment to addressing global excess capacity for producing aluminum, the physical proximity of our respective industrial bases, the robust economic integration between our countries, the export of aluminum produced in the United States to Canada and Mexico, and the close relation of the economic welfare of the United States to our national security, *see* 19 U.S.C. 1862(d), I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from Canada and Mexico is to continue ongoing discussions with these countries and to exempt aluminum articles imports from these countries from the tariff, at least at this time. I expect that Canada and Mexico will take action to prevent transshipment of aluminum articles through Canada and Mexico to the United States.

10. In the meantime, the tariff imposed by this proclamation is an important first step in ensuring the economic viability of our domestic aluminum industry. Without this tariff and satisfactory outcomes in ongoing negotiations with Canada and Mexico, the industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of aluminum to meet our national security needs—a situation that is fundamentally inconsistent with the safety and security of the American people. It is my judgment that the tariff imposed by this proclamation is necessary and appropriate to adjust imports of aluminum articles so that such imports will not threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, section 604 of the Trade Act of 1974, as amended, and section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim as follows:

(1) For the purposes of this proclamation, “aluminum articles” are defined in the Harmonized Tariff Schedule (HTS) as: (a) unwrought aluminum (HTS 7601); (b) aluminum bars, rods, and profiles (HTS 7604); (c) aluminum wire (HTS 7605); (d) aluminum plate, sheet, strip, and foil (flat rolled products) (HTS 7606 and 7607); (e) aluminum tubes and pipes and tube and pipe fitting (HTS 7608 and 7609); and (f) aluminum castings and forgings (HTS 7616.99.51.60 and 7616.99.51.70), including any subsequent revisions to these HTS classifications.

(2) In order to establish increases in the duty rate on imports of aluminum articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation. Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all imports of aluminum articles specified in the Annex shall be subject to an additional 10 percent ad valorem rate of duty with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported aluminum articles, shall apply to imports of aluminum articles from all countries except Canada and Mexico.

(3) The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the additional duties set forth in clause 2 of this proclamation for any aluminum article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations. Such relief shall be provided for an aluminum article only after a request for exclusion is made by a directly affected party located in the United States. If the Secretary determines that a particular aluminum article should be excluded, the Secretary shall, upon publishing a notice of such determination in the *Federal Register*, notify Customs and Border Protection (CBP) of the Department of Homeland Security concerning such article so that it will be excluded from the duties described in clause 2 of this proclamation. The Secretary shall consult with CBP to determine whether the HTSUS provisions created by the Annex to this proclamation should be modified in order to ensure the proper administration of such exclusion, and, if so, shall make such modification to the HTSUS through a notice in the *Federal Register*.

(4) Within 10 days after the date of this proclamation, the Secretary shall issue procedures for the requests for exclusion described in clause 3 of this proclamation. The issuance of such procedures is exempt from Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

(5) (a) The modifications to the HTSUS made by the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(b) The Secretary shall continue to monitor imports of aluminum articles and shall, from time to time, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the USTR, the Assistant to the President for National Security Affairs, the Assistant to

the President for Economic Policy, the Director of the Office of Management and Budget, and such other senior Executive Branch officials as the Secretary deems appropriate, review the status of such imports with respect to the national security. The Secretary shall inform the President of any circumstances that in the Secretary's opinion might indicate the need for further action by the President under section 232 of the Trade Expansion Act of 1962, as amended. The Secretary shall also inform the President of any circumstance that in the Secretary's opinion might indicate that the increase in duty rate provided for in this proclamation is no longer necessary.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



ANNEX**TO MODIFY CHAPTER 99 OF THE HARMONIZED TARIFF
SCHEDULE OF THE UNITED STATES**

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new note and tariff provision, with the material in these provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", and "Rates of Duty 2", respectively:

- "19. (a) Heading 9903.85.01 sets forth the ordinary customs duty treatment applicable to all entries of aluminum products from all countries, except products of Canada and of Mexico, classifiable in the headings or subheadings enumerated in this note. Such goods shall be subject to duty as provided herein. No special rates of duty shall be accorded to goods covered by heading 9903.85.01 under any tariff program enumerated in general note 3(c)(i) to the tariff schedule. All anti-dumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed.
- (b) The rates of duty set forth in heading 9903.85.01 apply to all imported products of aluminum classifiable in the provisions enumerated in this subdivision:
- (i) unwrought aluminum provided for in heading 7601;
 - (ii) bars, rods and profiles provided for in heading 7604; wire provided for in heading 7605;
 - (iii) plates, sheets and strip provided for in 7606; foil provided for in heading 7607;
 - (iv) tubes, pipes and tube or pipe fittings provided for in heading 7608 and 7609; and
 - (v) castings and forgings of aluminum provided for in subheading 7616.99.51.
- (c) The Secretary of Commerce may determine and announce any exclusions from heading 9903.85.01 that may be appropriate for individual aluminum products otherwise covered by subdivision (b) of this note or for individual shipments thereof, whether or not limited to particular quantities of any such goods or shipments, and shall immediately convey all such determinations to U.S. Customs and Border Protection ("CBP") for implementation by CBP at the earliest possible opportunity, but not later than five business days after the date on which CBP receives any such determination from Commerce.

- (d) Any importer entering the aluminum products covered by this note under heading 9903.85.01 shall provide any information that may be required, and in such form, as is deemed necessary by CBP in order to permit the administration of this subheading. Importers are likewise directed to report information concerning any applicable exclusion granted by Commerce in such form as CBP may require.

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.85.01	"Products of aluminum provided for in the tariff headings or subheadings enumerated in note 19 to this subchapter, except products of Canada or of Mexico or any exclusions that may be determined and announced by the Department of Commerce....."	The duty provided in the applicable sub-heading + 10%		The duty provided in the applicable sub-heading + 10%"

Presidential Documents

Proclamation 9705 of March 8, 2018

Adjusting Imports of Steel Into the United States

By the President of the United States of America

A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel mill articles (steel articles) on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. The Secretary found and advised me of his opinion that steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. The Secretary found that the present quantities of steel articles imports and the circumstances of global excess capacity for producing steel are “weakening our internal economy,” resulting in the persistent threat of further closures of domestic steel production facilities and the “shrinking [of our] ability to meet national security production requirements in a national emergency.” Because of these risks and the risk that the United States may be unable to “meet [steel] demands for national defense and critical industries in a national emergency,” and taking into account the close relation of the economic welfare of the Nation to our national security, *see* 19 U.S.C. 1862(d), the Secretary concluded that the present quantities and circumstances of steel articles imports threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

3. In reaching this conclusion, the Secretary considered the previous U.S. Government measures and actions on steel articles imports and excess capacity, including actions taken under Presidents Reagan, George H.W. Bush, Clinton, and George W. Bush. The Secretary also considered the Department of Commerce’s narrower investigation of iron ore and semi-finished steel imports in 2001, and found the recommendations in that report to be outdated given the dramatic changes in the steel industry since 2001, including the increased level of global excess capacity, the increased level of imports, the reduction in basic oxygen furnace facilities, the number of idled facilities despite increased demand for steel in critical industries, and the potential impact of further plant closures on capacity needed in a national emergency.

4. In light of this conclusion, the Secretary recommended actions to adjust the imports of steel articles so that such imports will not threaten to impair the national security. Among those recommendations was a global tariff of 24 percent on imports of steel articles in order to reduce imports to a level that the Secretary assessed would enable domestic steel producers to use approximately 80 percent of existing domestic production capacity and thereby achieve long-term economic viability through increased production. The Secretary has also recommended that I authorize him, in response to specific requests from affected domestic parties, to exclude from any adopted import restrictions those steel articles for which the Secretary determines there is a lack of sufficient U.S. production capacity of comparable products, or to exclude steel articles from such restrictions for specific national security-based considerations.

5. I concur in the Secretary's finding that steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and I have considered his recommendations.

6. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

7. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

8. In the exercise of these authorities, I have decided to adjust the imports of steel articles by imposing a 25 percent ad valorem tariff on steel articles, as defined below, imported from all countries except Canada and Mexico. In my judgment, this tariff is necessary and appropriate in light of the many factors I have considered, including the Secretary's report, updated import and production numbers for 2017, the failure of countries to agree on measures to reduce global excess capacity, the continued high level of imports since the beginning of the year, and special circumstances that exist with respect to Canada and Mexico. This relief will help our domestic steel industry to revive idled facilities, open closed mills, preserve necessary skills by hiring new steel workers, and maintain or increase production, which will reduce our Nation's need to rely on foreign producers for steel and ensure that domestic producers can continue to supply all the steel necessary for critical industries and national defense. Under current circumstances, this tariff is necessary and appropriate to address the threat that imports of steel articles pose to the national security.

9. In adopting this tariff, I recognize that our Nation has important security relationships with some countries whose exports of steel articles to the United States weaken our internal economy and thereby threaten to impair the national security. I also recognize our shared concern about global excess capacity, a circumstance that is contributing to the threatened impairment of the national security. Any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country. Should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on steel articles imports from that country and, if necessary, make any corresponding adjustments to the tariff as it applies to other countries as our national security interests require.

10. I conclude that Canada and Mexico present a special case. Given our shared commitment to supporting each other in addressing national security concerns, our shared commitment to addressing global excess capacity for producing steel, the physical proximity of our respective industrial bases, the robust economic integration between our countries, the export of steel articles produced in the United States to Canada and Mexico, and the close relation of the economic welfare of the United States to our national security, *see* 19 U.S.C. 1862(d), I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of steel articles from Canada and Mexico is to continue ongoing discussions with these countries and to exempt steel articles imports from these countries from the tariff, at least at this time. I expect that Canada and Mexico will take action to prevent transshipment of steel articles through Canada and Mexico to the United States.

11. In the meantime, the tariff imposed by this proclamation is an important first step in ensuring the economic viability of our domestic steel industry.

Without this tariff and satisfactory outcomes in ongoing negotiations with Canada and Mexico, the industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of steel to meet our national security needs—a situation that is fundamentally inconsistent with the safety and security of the American people. It is my judgment that the tariff imposed by this proclamation is necessary and appropriate to adjust imports of steel articles so that such imports will not threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, section 604 of the Trade Act of 1974, as amended, and section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim as follows:

(1) For the purposes of this proclamation, “steel articles” are defined at the Harmonized Tariff Schedule (HTS) 6-digit level as: 7206.10 through 7216.50, 7216.99 through 7301.10, 7302.10, 7302.40 through 7302.90, and 7304.10 through 7306.90, including any subsequent revisions to these HTS classifications.

(2) In order to establish increases in the duty rate on imports of steel articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation. Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports specified in the Annex shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from all countries except Canada and Mexico.

(3) The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the additional duties set forth in clause 2 of this proclamation for any steel article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations. Such relief shall be provided for a steel article only after a request for exclusion is made by a directly affected party located in the United States. If the Secretary determines that a particular steel article should be excluded, the Secretary shall, upon publishing a notice of such determination in the *Federal Register*, notify Customs and Border Protection (CBP) of the Department of Homeland Security concerning such article so that it will be excluded from the duties described in clause 2 of this proclamation. The Secretary shall consult with CBP to determine whether the HTSUS provisions created by the Annex to this proclamation should be modified in order to ensure the proper administration of such exclusion, and, if so, shall make such modification to the HTSUS through a notice in the *Federal Register*.

(4) Within 10 days after the date of this proclamation, the Secretary shall issue procedures for the requests for exclusion described in clause 3 of this proclamation. The issuance of such procedures is exempt from Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

(5) (a) The modifications to the HTSUS made by the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time

on March 23, 2018, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(b) The Secretary shall continue to monitor imports of steel articles and shall, from time to time, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the USTR, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, the Director of the Office of Management and Budget, and such other senior Executive Branch officials as the Secretary deems appropriate, review the status of such imports with respect to the national security. The Secretary shall inform the President of any circumstances that in the Secretary's opinion might indicate the need for further action by the President under section 232 of the Trade Expansion Act of 1962, as amended. The Secretary shall also inform the President of any circumstance that in the Secretary's opinion might indicate that the increase in duty rate provided for in this proclamation is no longer necessary.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



ANNEX**TO MODIFY CHAPTER 99 OF THE HARMONIZED TARIFF
SCHEDULE OF THE UNITED STATES**

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new note and tariff provision, with the material in these provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", and "Rates of Duty 2", respectively:

- "16. (a) Heading 9903.80.01 sets forth the ordinary customs duty treatment applicable to all entries of iron or steel products from all countries, except products of Canada and of Mexico, classifiable in the headings or subheadings enumerated in this note. Such goods shall be subject to duty as provided herein. No special rates of duty shall be accorded to goods covered by heading 9903.80.01 under any tariff program enumerated in general note 3(c)(i) to the tariff schedule. All anti-dumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed.
- (b) The rates of duty set forth in heading 9903.80.01 apply to all imported products of iron or steel classifiable in the provisions enumerated in this subdivision:
- (i) flat-rolled products provided for in headings 7208, 7209, 7210, 7211, 7212, 7225 or 7226;
 - (ii) bars and rods provided for in headings 7213, 7214, 7215, 7227, or 7228, angles, shapes and sections of 7216 (except subheadings 7216.61.00, 7216.69.00 or 7216.91.00); wire provided for in headings 7217 or 7229; sheet piling provided for in subheading 7301.10.00; rails provided for in subheading 7302.10; fish-plates and sole plates provided for in subheading 7302.40.00; and other products of iron or steel provided for in subheading 7302.90.00;
 - (iii) tubes, pipes and hollow profiles provided for in heading 7304, or 7306; tubes and pipes provided for in heading 7305.
 - (iv) ingots, other primary forms and semi-finished products provided for in heading 7206, 7207 or 7224; and
 - (v) products of stainless steel provided for in heading 7218, 7219, 7220, 7221, 7222 or 7223.
- (c) The Secretary of Commerce may determine and announce any exclusions from heading 9903.80.01 that may be appropriate for individual iron or steel products

otherwise covered by subdivision (b) of this note or for individual shipments thereof, whether or not limited to particular quantities of any such goods or shipments, and shall immediately convey all such determinations to U.S. Customs and Border Protection ("CBP") for implementation by CBP at the earliest possible opportunity, but not later than five business days after the date on which CBP receives any such determination from Commerce.

- (d) Any importer entering the iron or steel products covered by this note under heading 9903.80.01 shall provide any information that may be required, and in such form, as is deemed necessary by CBP in order to permit the administration of this subheading. Importers are likewise directed to report information concerning any applicable exclusion granted by Commerce in such form as CBP may require.

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.01	"Products of iron or steel provided for in the tariff headings or subheadings enumerated in note 16 to this subchapter, except products of Canada or of Mexico or any exclusions that may be determined and announced by the Department of Commerce....."	25%		The duty provided in the applicable subheading + 25%"

APPENDIX P: WH STATEMENT OF CHANGES



STATEMENTS & RELEASES

President Donald J. Trump Approves Section 232 Tariff Modifications

ECONOMY & JOBS

Issued on: April 30, 2018



Today, President Donald J. Trump issued two proclamations authorizing modifications of the Section 232 tariffs on steel and aluminum. The Administration has reached a final agreement with South Korea on steel imports, the outlines of which were previously announced by U.S. Trade Representative Robert Lighthizer and Republic of Korea Minister for Trade Hyun-chong Kim. The Administration has also reached agreements in principle with Argentina, Australia, and Brazil with respect to steel and aluminum, the details of which will be finalized shortly. The Administration is also extending negotiations with Canada, Mexico, and the European Union for a final 30 days. In all of these negotiations, the Administration is focused on quotas that will restrain imports, prevent transshipment, and protect the national security.

These agreements underscore the Trump Administration's successful strategy to reach fair outcomes with allies to protect our national security and address global challenges to the steel and aluminum industries.

APPENDIX R: PROCLAMATION 9711 ON STEEL



PROCLAMATIONS

Presidential Proclamation Adjusting Imports of Aluminum into the United States

ECONOMY & JOBS

Issued on: April 30, 2018



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704, by imposing a 10 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national

security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9710 of March 22, 2018 (Adjusting Imports of Aluminum Into the United States), I noted the continuing discussions with the Argentine Republic (Argentina), the Commonwealth of Australia (Australia), the Federative Republic of Brazil (Brazil), Canada, Mexico, the Republic of Korea (South Korea), and the European Union (EU) on behalf of its member countries, on satisfactory alternative means to address the threatened impairment to the national security by imports of aluminum articles from those countries. Recognizing that each of these countries and the EU has an important security relationship with the United States, I determined that the necessary and appropriate means to address the threat to national security posed by imports of aluminum articles from these countries was to continue the ongoing discussions and to exempt aluminum articles imports from these countries from the tariff proclaimed in Proclamation 9704 until May 1, 2018.

4. The United States has agreed in principle with Argentina, Australia, and Brazil on satisfactory alternative means to address the threatened impairment to our national security posed by aluminum articles imported from these countries. I have determined that the necessary and appropriate means to address the threat to national security posed by imports of aluminum articles from Argentina, Australia, and Brazil is to extend the temporary exemption of these countries from the tariff proclaimed in Proclamation 9704, in order to finalize the details of these satisfactory alternative means to address the threatened impairment to our national security posed by aluminum articles imported from these countries. In my judgment, and for the reasons I stated in paragraph 10 of Proclamation 9710, these discussions will be most productive if aluminum articles from Argentina, Australia, and Brazil remain

exempt from the tariff proclaimed in Proclamation 9704, until the details can be finalized and implemented by proclamation. Because the United States has agreed in principle with these countries, in my judgment, it is unnecessary to set an expiration date for the exemptions. Nevertheless, if the satisfactory alternative means are not finalized shortly, I will consider re-imposing the tariff.

5. The United States is continuing discussions with Canada, Mexico, and the EU. I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from these countries is to continue these discussions and to extend the temporary exemption of these countries from the tariff proclaimed in Proclamation 9704, at least at this time. In my judgment, and for the reasons I stated in paragraph 10 of Proclamation 9710, these discussions will be most productive if aluminum articles from these countries remain exempt from the tariff proclaimed in Proclamation 9704.

6. For the reasons I stated in paragraph 11 of Proclamation 9710, however, the tariff imposed by Proclamation 9704 remains an important first step in ensuring the economic stability of our domestic aluminum industry and removing the threatened impairment of the national security. As a result, unless I determine by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of aluminum articles from Canada, Mexico, and the member countries of the EU, the tariff set forth in clause 2 of Proclamation 9704 shall be effective June 1, 2018, for these countries.

7. I have determined that, in light of the ongoing discussions that may result in long-term exclusions from the tariff proclaimed in Proclamation 9704, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

8. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being

imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

9. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

Now, Therefore, I, Donald J. Trump, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Imports of all aluminum articles from Argentina, Australia, and Brazil shall be exempt from the duty established in clause 2 of Proclamation 9704, as amended by clause 1 of Proclamation 9710. Imports of all aluminum articles from Canada, Mexico, and the member countries of the EU shall be exempt from the duty established in clause 2 of Proclamation 9704 until 12:01 a.m. eastern daylight time on June 1, 2018. Further, clause 2 of Proclamation 9704, as amended by clause 1 of Proclamation 9710, is also amended by striking the last two sentences and inserting in lieu thereof the following two sentences: "Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all aluminum articles imports specified in the Annex shall be subject to an additional 10 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union, (b) on or after 12:01 a.m. eastern daylight time on May 1, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and the member countries of the European Union, and (c) on or after 12:01 a.m. eastern

daylight time on June 1, 2018, from all countries except Argentina, Australia, and Brazil. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported aluminum articles, shall apply to imports of aluminum articles from each country as specified in the preceding sentence.”.

(2) The exemption afforded to aluminum articles from Canada, Mexico, and the member countries of the EU shall apply only to aluminum articles of such countries entered for consumption, or withdrawn from warehouse for consumption, through the close of May 31, 2018, at which time such countries shall be deleted from the article description of heading 9903.85.01 of the HTSUS.

(3) Clause 5 of Proclamation 9710 is amended by inserting the phrase “, except those eligible for admission under “domestic status” as defined in 19 CFR 146.43, which is subject to the duty imposed pursuant to Proclamation 9704, as amended by Proclamation 9710,” after the words “Any aluminum article” in the first and second sentences.

(4) Aluminum articles shall not be subject upon entry for consumption to the duty established in clause 2 of Proclamation 9704, as amended by clause 1 of this proclamation, merely by reason of manufacture in a U.S. foreign trade zone. However, aluminum articles admitted to a U.S. foreign trade zone in “privileged foreign status” pursuant to clause 5 of Proclamation 9710, as amended by clause 3 of this proclamation, shall retain that status consistent with 19 CFR 146.41(e).

(5) No drawback shall be available with respect to the duties imposed on any aluminum article pursuant to Proclamation 9704, as amended by clause 1 of this proclamation.

(6) The Secretary, in consultation with U.S. Customs and Border Protection of the Department of Homeland Security and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and

effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the Federal Register.

(7) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

APPENDIX R: PROCLAMATION 9711 ON STEEL

PROCLAMATIONS

Presidential Proclamation Adjusting Imports of Steel into the United States

ECONOMY & JOBS

Issued on: April 30, 2018



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel mill articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's finding that steel mill articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of steel mill articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States) (steel articles), by imposing a 25 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. I further stated that any country with which we have a security relationship is

welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on steel articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9711, I noted the continuing discussions with the Argentine Republic (Argentina), the Commonwealth of Australia (Australia), the Federative Republic of Brazil (Brazil), Canada, Mexico, the Republic of Korea (South Korea), and the European Union (EU) on behalf of its member countries, on satisfactory alternative means to address the threatened impairment to the national security by imports of steel articles from those countries. Recognizing that each of these countries and the EU has an important security relationship with the United States, I determined that the necessary and appropriate means to address the threat to national security posed by imports of steel articles from these countries was to continue the ongoing discussions and to exempt steel articles imports from these countries from the tariff proclaimed in Proclamation 9705 until May 1, 2018.

4. The United States has successfully concluded discussions with South Korea on satisfactory alternative means to address the threatened impairment to our national security posed by steel articles imports from South Korea. The United States and South Korea have agreed on a range of measures, including measures to reduce excess steel production and excess steel capacity, and measures that will contribute to increased capacity utilization in the United States, including a quota that restricts the quantity of steel articles imported into the United States from South Korea. In my judgment, these measures will provide an effective, long-term alternative means to address South Korea's contribution to the threatened impairment to our national security by restraining steel articles exports to the United States from South Korea, limiting transshipment, and discouraging excess capacity and excess steel

production. In light of this agreement, I have determined that steel articles imports from South Korea will no longer threaten to impair the national security and have decided to exclude South Korea from the tariff proclaimed in Proclamation 9705. The United States will monitor the implementation and effectiveness of the quota and other measures agreed upon with South Korea in addressing our national security needs, and I may revisit this determination, as appropriate.

5. The United States has agreed in principle with Argentina, Australia, and Brazil on satisfactory alternative means to address the threatened impairment to our national security posed by steel articles imported from these countries. I have determined that the necessary and appropriate means to address the threat to national security posed by imports of steel articles from Argentina, Australia, and Brazil is to extend the temporary exemption of these countries from the tariff proclaimed in Proclamation 9705, in order to finalize the details of these satisfactory alternative means to address the threatened impairment to our national security posed by steel articles imported from these countries. In my judgment, and for the reasons I stated in paragraph 10 of Proclamation 9711, these discussions will be most productive if steel articles from Argentina, Australia, and Brazil remain exempt from the tariff proclaimed in Proclamation 9705, until the details can be finalized and implemented by proclamation. Because the United States has agreed in principle with these countries, in my judgment, it is unnecessary to set an expiration date for the exemptions. Nevertheless, if the satisfactory alternative means are not finalized shortly, I will consider re-imposing the tariff.

6. The United States is continuing discussions with Canada, Mexico, and the EU. I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of steel articles from these countries is to continue these discussions and to extend the temporary exemption of these countries from the tariff proclaimed in Proclamation 9705, at least at this time. In my judgment, and for the reasons I stated in paragraph 10 of Proclamation 9711, these discussions will be most productive if steel articles from these countries remain exempt from the tariff proclaimed in Proclamation 9705.

7. For the reasons I stated in paragraph 11 of Proclamation 9711, however, the tariff imposed by Proclamation 9705 remains an important first step in ensuring the economic stability of our domestic steel industry and removing the threatened impairment of the national security. As a result, unless I determine by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of steel articles from Canada, Mexico, and the member countries of the EU, the tariff set forth in clause 2 of Proclamation 9705 shall be effective June 1, 2018, for these countries.

8. In light of my determination to exclude, on a long-term basis, South Korea from the tariff proclaimed in Proclamation 9705, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to the tariff set forth in clause 2 of Proclamation 9705 as it applies to other countries. I have determined that, in light of the agreed-upon quota and other measures with South Korea, the measures being finalized with Argentina, Australia, and Brazil, and the ongoing discussions that may result in further long-term exclusions from the tariff proclaimed in Proclamation 9705, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

9. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

10. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

Now, Therefore, I, Donald J. Trump, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Imports of all steel articles from Argentina, Australia, Brazil, and South Korea shall be exempt from the duty established in clause 2 of Proclamation 9705, as amended by clause 1 of Proclamation 9711. Imports of all steel articles from Canada, Mexico, and the member countries of the EU shall be exempt from the duty established in clause 2 of Proclamation 9705 until 12:01 a.m. eastern daylight time on June 1, 2018. Further, clause 2 of Proclamation 9705, as amended by clause 1 of Proclamation 9711, is also amended by striking the last two sentences and inserting in lieu thereof the following two sentences: "Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports specified in the Annex shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union, and (b) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina, Australia, Brazil, and South Korea. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from each country as specified in the preceding sentence."

(2) In order to provide the quota treatment referred to in paragraph 4 of this proclamation to steel articles imports from South Korea, U.S. Note 16 of subchapter III of chapter 99 of the HTSUS is amended as provided for in Part A of the Annex to this proclamation. U.S. Customs and Border Protection (CBP) of the Department of Homeland Security shall implement this quota as soon as practicable, taking into account all steel articles imports from South Korea since January 1, 2018.

(3) The exemption afforded to steel articles from Canada, Mexico, and the member countries of the EU shall apply only to steel articles of such countries entered for consumption, or withdrawn from warehouse for consumption, through the close of May 31, 2018, at which time such countries shall be deleted from the article description of heading 9903.80.01 of the HTSUS.

(4) Clause 5 of Proclamation 9711 is amended by inserting the phrase “, except those eligible for admission under “domestic status” as defined in 19 CFR 146.43, which is subject to the duty imposed pursuant to Proclamation 9705, as amended by Proclamation 9711,” after the words “Any steel article” in the first and second sentences.

(5) Steel articles shall not be subject upon entry for consumption to the duty established in clause 2 of Proclamation 9705, as amended by clause 1 of this proclamation, merely by reason of manufacture in a U.S. foreign trade zone. However, steel articles admitted to a U.S. foreign trade zone in “privileged foreign status” pursuant to clause 5 of Proclamation 9711, as amended by clause 4 of this proclamation, shall retain that status consistent with 19 CFR 146.41(e).

(6) No drawback shall be available with respect to the duties imposed on any steel article pursuant to Proclamation 9705, as amended by clause 1 of this proclamation.

(7) The Secretary, in consultation with CBP and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the Federal Register.

(8) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this

thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

APPENDIX S: TEAM ROSTER

(b) (6)



APPENDIX T: NON-DISCLOSURE AGREEMENT

CONTRACTOR AGREEMENT PROHIBITING DISCLOSURE OF BUSINESS PROPRIETARY AND OTHER PROTECTED/SENSITIVE INFORMATION IN ALL TRADE LAW AND RELATED PROGRAMS ADMINISTERED BY THE DEPARTMENT OF COMMERCE

It is generally expected that Enforcement and Compliance (“E&C”) contractors may require access to business proprietary information (“BPI”) or other protected or sensitive information (e.g., business confidential information) in order to fulfill their routine duties while working for E&C. Access to information will be at the direction of the E&C officer or employee assigned to oversee the project. It is recognized that the contractor may encounter, observe or hear discussed BPI, or other protected and sensitive information, while working in the E&C office space in the vicinity of E&C and other Department of Commerce staff. Accordingly, it is necessary to stipulate the following commitments and obligations that shall be undertaken by the contractor in connection with their access to, and treatment of, any such BPI or otherwise protected and sensitive information.

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I hereby swear (or affirm):

- I. With respect to BPI and other sensitive and protected information, I will:
 - A. not divulge any such information obtained during the course of my work as a contractor with E&C, or information in any document obtained by the Commerce Department which contains any such information, to any person other than an officer or employee of E&C directly concerned with conducting the project to which I am assigned;
 - B. not consult with any individual, other than one described in this agreement, concerning such BPI or other protected and sensitive information without obtaining the approval of the E&C officer or employee directly concerned with conducting the project to which I am assigned;
 - C. take adequate precautions to ensure the security of the business proprietary materials, or other protected and sensitive information, and the information contained therein subject to this agreement; and
 - D. promptly report any breach of such agreement to the E&C officer or employee directly concerned with conducting the project to which I am assigned.
- II. With respect to other information not subject to public disclosure under the Freedom of Information Act (5 U.S.C. §552(b)(5)), I will not reveal information subject to the deliberative process privilege including, but not limited to:

- A. information derived from participation in meetings, conference calls, and other communications which are not otherwise publicly available; and
- B. any other information which would undermine the effectiveness of the Department's conduct and administration of its functions which has been derived solely as a result of my work as a contractor with E&C.

These restrictions are consistent with, and do not supersede, conflict with, or otherwise alter the employee's obligations, rights, or liabilities under Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. §§421-426)(governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. §783(b)); existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.

This Agreement does not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

I acknowledge that the breach of the conditions delineated in this agreement may subject me to administrative sanctions determined to be appropriate by the Commerce Department.

(Signature)	(Date)
(Name - Print/Type)	
(Address)	
(Telephone Number)	

CERTIFICATION REGARDING CONTRACTOR AGREEMENT
PROHIBITING DISCLOSURE
OF BUSINESS PROPRIETARY INFORMATION AND OTHER PROTECTED/SENSITIVE
INFORMATION IN ALL TRADE LAW AND RELATED PROGRAMS ADMINISTERED BY
THE DEPARTMENT OF COMMERCE

Regarding the attached Agreement dated _____,

I hereby certify that I have abided by the terms of the agreement, and acknowledge that I continue to be bound by the terms of the agreement.

(Signature)	(Date)
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(Name - Print/Type)

(Address)

(Telephone Number)

APPENDIX U: ITA ANALYSIS FORM MASTER KEY

(b) (5)



