



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, DC 20230

MEMORANDUM FOR: Neomi Rao
Administrator, Office of Information and Regulatory Affairs
Office of Management and Budget

FROM: Matthew Borman *MSB*
Deputy Assistant Secretary
Export Administration

SUBJECT: Request for OMB Emergency Review and Approval of
Information Collections for *Expedited Relief from Quantitative
Limits – Existing Contract: Section 232 National Security
Investigations of Steel Imports*

On behalf of the Bureau of Industry and Security (BIS), I am seeking approval for emergency Paperwork Reduction Act (PRA) clearance to allow the Department of Commerce (DOC) to collect information from the public in response to the Presidential Proclamation signed on August 29, 2018 *Expedited Relief from Quantitative Limits – Existing Contract: Section 232 National Security Investigations of Steel Imports*.

BACKGROUND

On August 29, 2018, the President issued the *Presidential Proclamation Adjusting Imports of Steel into the United States*. The Proclamation under clause 2 directed that the Secretary of Commerce, shall, on an expedited basis, grant relief from the applicable quantitative limitations set forth in Proclamation 9740 and Proclamation 9759 and their accompanying annexes, as amended, for any steel article when the requirements set forth in this clause are met. Per the Presidential Proclamation of August 29, in order to request an exclusion from quantitative limitations on the imports of steel on the basis of an existing contract: the requester must affirm that each of the five conditions specified on the form entitled “Expedited Relief from Quantitative Limits – Existing Contract: Section 232 National Security Investigations of Steel Imports” are true, provide the necessary information to allow the administration of an exclusion, and certify that the information provided is complete and correct to the best of your knowledge.

The five conditions specified on the form created by this new collection consist of the following:

- (1) the requesting party entered into a written contract for production and shipment of the below identified steel article(s) before March 8, 2018,
- (2) the written contract specifies the quantity of these steel article(s) that is to be produced and shipped to the United States consistent with a schedule contained in the written contract,
- (3) the steel article(s) is to be used to construct a facility in the United States and cannot be procured from a supplier in the United States to meet the delivery schedule and specifications contained in the written contract,



(4) the payments made pursuant to the contract constitute 10 percent or less of the cost of the facility under construction, *and*

(5) lack of relief from the quantitative limitations on the steel article(s) would significantly disrupt or delay completion of the facility being constructed in the United States with the steel article(s) specified in the written contract.

In order to ensure this relief can be administered, as part of the submission requester must attach the following information for the identified steel article(s): (1) HTS Classification; (2) Quota category HTS classification (Chapter 99); (3) Country of Origin; (4) quantity of relief requested.

Lastly, the requester must provide a certification that they hereby certify that the information herein on the form created by this new collection is complete and correct to the best of the requester's knowledge, and that their organization will accurately report to U.S. Customs and Border Protection (CBP) in the manner prescribed, and that the quantity of steel articles entered pursuant to a grant of relief will not exceed the quantity specified in the written contract for delivery on or before March 31, 2019.

In the Proclamation of August 29, President Trump directed that as soon as practicable, the Secretary of Commerce shall issue procedures for requests for exclusions described in clause 2 to allow for exclusion requests for countries subject to quantitative limitations. The U.S. Department of Commerce will create an exclusion process for clause 2 by posting the newly created form on the Commerce website. Requesters will complete this form and send the form, the required certification, and any needed attachments to the U.S. Department of Commerce at the email address steel232-exp@bis.doc.gov. The posting of this exclusion procedure on the Commerce website will fulfill the Presidential directive included in the most recent Proclamation, as well as the earlier Proclamations that directed the Secretary of Commerce to create an exclusion process to ensure users of steel and aluminum in the United States would continue to have access to the steel and aluminum that they may need.

JUSTIFICATION

1. The collection of information is needed prior to the expiration of the time period 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/>.

2. The collection of information is essential to the mission of the Department, in particular to the adjudication exclusion requests that need expedited relief from quantitative limits – existing contract: section 232 national security investigations of steel imports.

3. The use of normal clearance procedures would prevent the collection of information 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, and the Proclamation issued on August 29, 2018.

4. As the President has decided to adjust imports and allow exclusion requests, BIS will need OMB's clearances to collect the information that would be required for parties to request exclusions. This will allow BIS to publish a *Federal Register* notice informing the public how to submit exclusion requests today, allowing for earlier decisions on the requests giving parties certainty on the effect of the remedies on their business.