

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

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

**SUBJECT:** Request for OMB Emergency Review and Approval of  
Information Collections for ***Procedures for Submitting Rebuttals  
and Surrebuttals Requests for Exclusions from and Objections to  
the Section 232 National Security Adjustments of Imports of  
Steel and Aluminum***

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 ***Procedures for Submitting Rebuttals and Surrebuttals Requests for Exclusions from and Objections to the Section 232 National Security Adjustments of Imports of Steel and Aluminum.***

## **BACKGROUND**

On April 19, 2017, Secretary Ross 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 DOC to proceed expeditiously in conducting this investigation and submitting a report on the DOC's findings to him. The President further directed that if this investigation 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, that the DOC recommend actions and steps to be taken to adjust steel imports so that they will not threaten to impair the national security.

On April 26, 2017, Secretary Ross 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 DOC to proceed expeditiously in conducting this investigation and submitting a report on the DOC's findings to him. The President further directed that if this investigation 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, that the DOC recommend actions and steps to be taken to adjust aluminum imports so that they will not threaten to impair the national security.

The Secretary submitted the steel report to the President on January 11, 2018 and the aluminum report on January 19, 2018. The requisite Presidential proclamations authorize the Secretary of Commerce to promulgate rules and regulations to provide relief from the adjustments of imports.

BIS will publish a second interim final rule, *Revisions to the 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*. The second interim final rule that will be published by BIS, on behalf of the Secretary, will make changes to the two supplements added in the March 19 rule: 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; and to 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.

The changes to the exclusion processes in the second interim rule are informed by both the comments received in response to the March 19 rule and the Department's experience with managing the exclusion process. The comments identified a number of areas where transparency, effectiveness and fairness of the exclusion and objection process could be improved, including adding a rebuttal and surrebuttal process. The Department has incorporated changes based on many of those comments and has also included other process improvements. The publication of the second interim rule should make significant improvements in all three respects, but because of the scope of this new process, BIS is publishing the rule as a second interim final rule with request for comments.

As of August 20, 2018, the Department of Commerce had received more than 38,000 exclusion requests and more than 17,000 objections. To streamline the exclusion review process, the Department has already taken steps to expedite the granting of properly filed exclusion requests which receive no objections and present no national security concerns. The Department has also worked to increase and organize its staff to efficiently process exclusion requests. The publication of the second interim final rule will be an important step in improving the exclusion and objection process.

The Information Collection number, 0694-[ ], described in this support statement covers the paper work needed to be submitted to DOC to submit these rebuttals to objections received on posted exclusion requests and to allow for surrebuttals for objections that receive rebuttals under the Section 232 exclusion process.

## **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 as soon as possible, allowing for earlier decisions on the requests giving parties certainty on the effect of the remedies on their business.