

Supporting Statement
U.S. Department of Commerce Bureau of Industry and Security
for Emergency Submission: Inclusions to the Section 232
National Security Adjustments to Imports

OMB Control No. 0694-0146

A. Justification

This is a request for creation of a new collection for approval by the Office of Management and Budget (OMB).

1. Explain the circumstances that make the collection of information necessary.

Background on Section 232

Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. §1862) authorizes the Secretary of Commerce (Secretary) to conduct comprehensive investigations to determine the effects of imports of an article on the national security of the United States. Such investigations can be initiated by an application by an interested party, a request from the head of any department or agency, or self-initiated by the Secretary. Once an investigation is initiated, the Secretary has 270 days to submit a report to the President on whether the importation of the article in question is occurring in such quantities or under such circumstances as to threaten to impair the national security of the United States. The President then has 90 days to determine whether to concur with the findings, and, if necessary, take action to “adjust the imports of an article and its derivatives” under Section 232.

Background on Section 232 Steel and Aluminum Tariffs

The Secretary self-initiated investigations into imports of steel and aluminum articles under Section 232 in April 2017. The Department of Commerce (Department) submitted its reports in January 2018, finding that imports of steel and aluminum were occurring in such quantities and under such circumstances as to threaten to impair the national security of the United States.

On March 8, 2018, the President issued Proclamations 9704 and 9705, imposing tariffs on imports of aluminum and steel of 10 percent and 25 percent, respectively. The Proclamations also authorized the Secretary to grant exclusions from 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 Department’s Bureau of Industry and Security (BIS) published an interim final rule implementing the resulting Section 232 Exclusions Process on March 19, 2018. BIS subsequently published four additional interim final rules between September 2018 and December 2021 that further modified the Section 232 Exclusions Process.

Background on Section 232 Inclusions Process

On February 10, 2025, the President issued Presidential Proclamations 10895 and 10896 which raised the tariff on aluminum to 25 percent and terminated all existing country-level ‘alternative arrangements’ to the tariffs (such as country exemptions or quotas) as well as the Section 232 Exclusions Process. The Proclamations also extended the steel and aluminum tariffs under Section 232 to several hundred steel and aluminum derivative products, applying to either the full value or the value of the steel and aluminum content depending on the HTSUS Classification.

Proclamations 10895 and 10896 further required that the Secretary establish within 90 days a process for including additional derivative aluminum and steel articles within the scope of the tariffs on steel and aluminum under Section 232. The Proclamations authorized the Secretary to include such derivative steel or aluminum articles either at his own prerogative or at the request of a producer of steel or aluminum articles or derivative articles, or an industry association representing one or more such producers, within the United States. The Proclamations stated that such requests should establish that imports of a derivative article have increased in a manner that threatens to impair the national security of the United States or otherwise undermine the objectives set forth in the steel and aluminum investigations under Section 232 or any related Proclamations.

The Information Collection Number, 0694-0146, described in this support statement covers the paperwork needed to be submitted to the Department to submit these Inclusion Requests.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The Inclusion Requests will be submitted in electronic form via email to the BIS Defense Industrial Base (DIB) Programs Inbox. All Inclusion Requests must be submitted in electronic form but may be submitted at any time. All submissions are entirely voluntary and will be accepted in two-week windows occurring three times per year in January, May, and September.

The information submitted will be evaluated and used by BIS’s Office of Strategic Industries and Economic Security (OSIES) to make recommendations regarding which Inclusions Requests, accounting for any received public comments, should receive favorable consideration for approval by the Secretary. The Secretary, in consultation with other senior executive branch officials as appropriate, will use the information included in these Inclusion Requests as well as any received public comments to decide which articles should be included within the scope of the tariffs on steel and aluminum under Section 232, pursuant to Proclamations 10895 and 10896.

Inclusion Requests (or a public version if containing business confidential information) will be a matter of public record and posted to the relevant docket in Regulations.gov. Comments to Inclusion Requests will also be received and posted as part of the public record to Regulations.gov.

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines, *i.e.*, OMB, Department of Commerce, and specific operating unit guidelines.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The Inclusion Requests will be submitted in electronic form via email to the BIS Defense Industrial Base (DIB) Programs Inbox and posted publicly on Regulations.gov. BIS will also collect and post public comments on Inclusion Requests using Regulations.gov. Parties seeking to include business confidential information in their Inclusion Request or their comment to an Inclusion Request must submit a public version of the document for posting to Regulations.gov.

4. Describe efforts to identify duplication.

The information voluntarily submitted by U.S. parties is not duplicated anywhere else in the Federal Government for purposes of considering inclusions authorized by the President to the trade remedies adopted to adjust imports in response to the findings of the investigations into imports of steel and aluminum under Section 232. Similar information is not available from any other source. The requested information is unique to BIS.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The information voluntarily submitted must be provided by U.S. parties, regardless of size, if they wish to request inclusions of a derivative steel or aluminum products to the scope of the tariffs on imports of steel and aluminum under Section 232. These requirements cannot be minimized to lessen the paperwork burden on small businesses.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

This is a voluntary collection. If the collection is not conducted, U.S. companies would not have the opportunity to request inclusions of derivative steel or aluminum products to the scope of the tariffs on imports of steel and aluminum under Section 232, with the possible result of economic hardship for such companies in contravention of the national security objectives of the tariffs on imports of steel and aluminum instituted by the President. These voluntary collections will allow the U.S. Government to evaluate whether an Inclusion Request should be granted based on the information provided in an Inclusion Request, in conjunction with its own analysis and received public comments (if any) on the Inclusion Request.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

This paperwork collection is published as an emergency collection. The need for this emergency collection is that a delay to allow for notice and comment and a delay in effective date would impair the related interim final rule's ability to achieve the national security objectives set by the President in Proclamations 9704 and 9705, as modified by Proclamations 10895 and 10896. As noted in the reports submitted by the Secretary to the President, steel and aluminum are being imported in such quantities or under such circumstances as to threaten to impair the national security of the United States and therefore any delay in implementing the associated remedial actions would further undermine the national security interests of the United States.

Furthermore, this emergency collection is needed for the related interim final rule to establish the process for submitting and granting these Inclusion Requests. The immediate creation of an effective Section 232 Inclusions Process, consistent with the intent and timeframe stated in the Proclamations 10895 and 10896, is needed to ensure that foreign actors do not attempt to circumvent or otherwise undermine the national security objectives of the tariffs on steel and aluminum implemented pursuant to Section 232 by importing increasing amounts of downstream derivative steel and aluminum articles to the United States.

If the related interim final rule and this emergency collection were delayed for public comment, U.S. companies would not have the opportunity to submit Inclusion Requests while the collection was being finalized, with the possible result of economic hardship for domestic companies and corresponding challenges to the national security of the United States. BIS intends to publish a notice in the *Federal Register* informing the public that the Department submitted a request for an emergency collection and the request was approved by OMB.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

All Inclusion Requests and comments to Inclusion Requests are a part of the public record and will be posted on Regulations.gov. 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 Inclusion Requests or comments to Inclusion Requests. Additionally, personally identifiable information, such as social security numbers and employer identification numbers, should not be provided in Inclusion Requests or comments to Inclusion Requests. Individuals and organizations submitting materials are responsible for ensuring such information is not included. Individuals and organizations providing confidential business information in their Inclusion Requests or comments to Inclusion Requests should clearly indicate the presence of such information in their submission and provide a public version of their documents suitable for posting on Regulations.gov

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

The total annual burden to the public related to the information collection activities for Inclusion Requests described in Part 705 of Subchapter A, National Security Industrial Base Regulations is expected to be approximately 800 burden hours. BIS estimates it will receive 100 Inclusion Requests annually. For each Inclusion Request, the claimant is expected to file a request that would take approximately eight hours to prepare. These estimates are based on the number of different steel and aluminum derivative products not yet included in the scope of the tariffs on steel and aluminum under Section 232 and an estimate of the amount of time it would take a claimant to acquire, assemble and submit the elements required to be included in an Inclusion Request submitted to the DIB Programs Inbox.

The total annual cost to the public related to these information collection activities is expected to be approximately \$35,200, with an estimated hourly cost of \$44. This estimate is based on the U.S. Bureau of Labor Statistics’ Employment Situation Update for December 2024, which cited average hourly earnings of employees in professional and business services of \$43.40.

A summarized breakdown of the burden hour and cost estimates are listed in the chart below.

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Type of Submission	Submissions	Burden Hours to Public	Costs to Public (\$44 per Hour)
Inclusion Requests	100	800 (8 Hours per Submission)	\$35,200

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Since no special equipment is required for this activity, there are no capitalized costs associated with this collection of information. It is free to submit Inclusion Requests via email to the DIB Programs Inbox and to submit comments to Inclusion Requests in Regulations.gov. Such submissions do require access to the Internet but, if needed, free Internet access and computers to access Regulations.gov are available at public libraries.

14. Provide estimates of annualized cost to the Federal government.

It is estimated that the total annual cost to the Federal Government will be approximately **\$120,000**. This figure includes the salaries of the federal and contract staff handling the information collected and reviewing the submitted Section 232 Inclusion Requests.

15. Explain the reasons for any program changes or adjustments.

Not applicable.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans to publish this information for statistical purposes, except to the extent needed for importers, the United States Government, and other parties to identify approved Inclusion Requests. Submitted Inclusion Requests and comments to Inclusion Requests will be posted and publicly available in the relevant docket on Regulations.gov.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.