

# CLIENT ALERTS

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## Commerce Department Announces Update to Section 232 Procedure for New Steel and Aluminum Exclusion Requests

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After much criticism for the backlog in processing Section 232 exclusion requests and pressure from Congress, the Department of Commerce (Commerce) has announced a new Interim Final Rule (Federal Register notice) that changes the process for requesting exclusions from the duties and quantitative limitations imposed on steel and aluminum under action taken by the President pursuant to Section 232 of the Trade Expansion Act of 1962 as amended. Section 232 tariffs have been discussed in earlier Client Alerts (May 17, September 7, August 9, August 2, July 11, July 9, June 15, and April 4, 2018). The Section 232 exclusion process has no deadline for submissions at this time.

The new procedure creates a dedicated web portal for submission of Section 232 exclusion requests, referred to as the “232 Exclusions Portal”, that will replace the current procedure of submitting exclusion requests on the general government website “Regulations.gov”. Objections, rebuttals, and surrebuttals will also be filed using this new portal. Commerce characterized this new portal in its Federal Register Notice as one to “streamline the exclusion process while enhancing data integrity and quality control”. Commerce announced that the new portal would be open for filings seven days after display on the public inspection list while the Interim Final Rule is open for comment for another 60 days from date of publication. To use the new system submitters must first complete a web-based registration form. Once operational, Commerce will no longer accept exclusion requests on the Regulations.Gov Portal. However, there will be a transition period where processing of existing exclusion requests will continue through the Regulations.gov process through the final decision in each case. Thus, objections, rebuttals, and surrebuttals on existing Section 232 submissions must continue to be filed on the Regulations.gov portal.

### Related People

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The new process is a result of comments that the Regulations.gov website is not easy to navigate nor fully transparent. Section 232 exclusion requests on steel and aluminum tend to require more technical detail than those submitted in relation to the Section 301 China Tariffs that are submitted through Regulations.gov to the U.S Trade Representative.

Butzel Long has assisted many clients with submission of Section 232 exclusion requests on steel and aluminum and will continue to guide them through the new process.

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