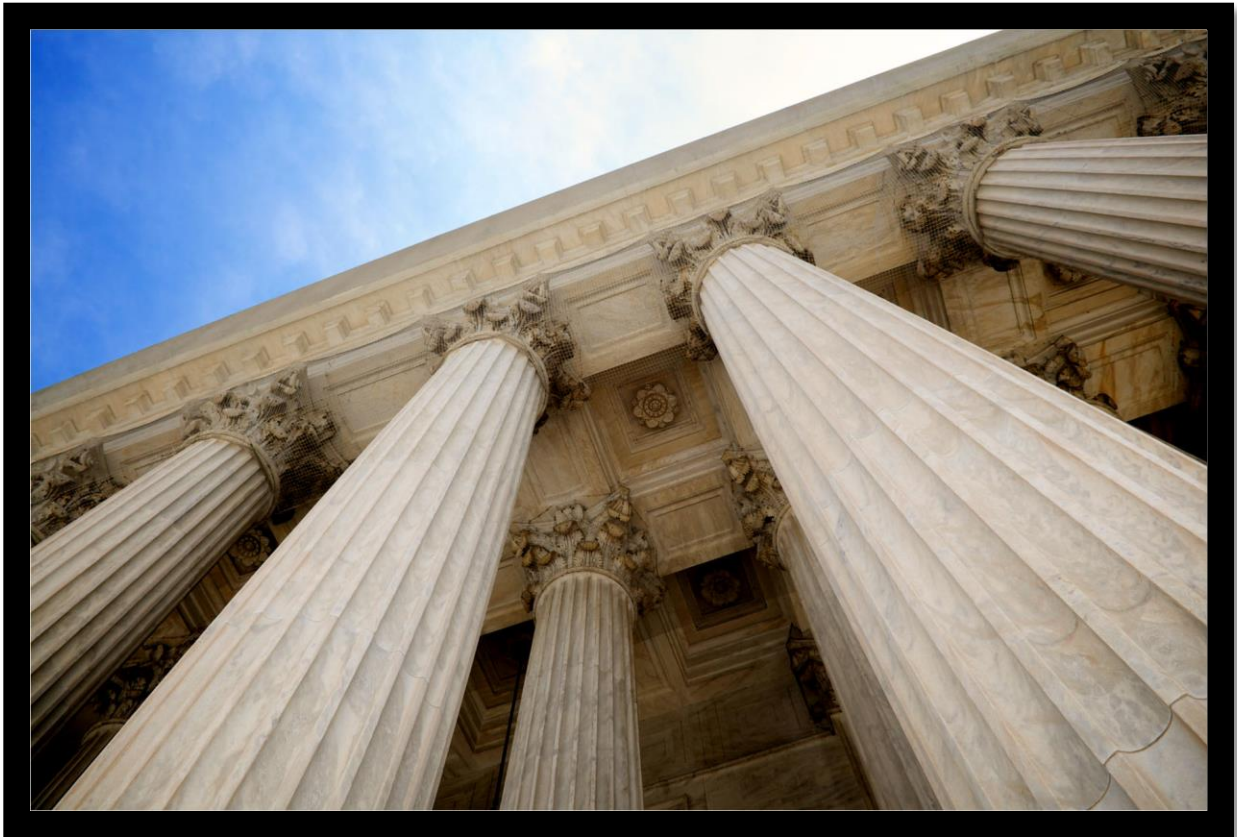


# 232 Exclusion Process Frequently Asked Questions (FAQs)

Version 1.01 (as of 6/19/19)



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# Exclusion Process Forms, Guides, References

## Links to Forms & Guides

For exclusion requests, objections, rebuttals, and surrebuttals, you can find the most recent forms and guides for both steel and aluminum exclusion requests on [www.regulations.gov](http://www.regulations.gov) website. The specific links are below:

Commerce.gov	Regulations.gov (exclusion before June 13, 2019)
<ul style="list-style-type: none"> <li>• <a href="#">232 Exclusions Portal (New)</a></li> <li>• <a href="#">New 232 Exclusion Portal External User Guide</a></li> <li>• <a href="#">Department of Commerce 232 Website</a></li> <li>• <a href="#">Bureau of Industry and Security</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Steel Exclusion Request Guide</a></li> <li>• <a href="#">Steel Objection Filing Form</a></li> <li>• <a href="#">Steel Objection Filing Guide</a></li> <li>• <a href="#">Steel Rebuttal Form</a></li> <li>• <a href="#">Steel Rebuttal Guide</a></li> <li>• <a href="#">Steel Surrebuttal Form</a></li> <li>• <a href="#">Steel Surrebuttal Guide</a></li> <li>• <a href="#">Aluminum Exclusion Request Guide</a></li> <li>• <a href="#">Aluminum Objection Filing Form</a></li> <li>• <a href="#">Aluminum Objection Filing Guide</a></li> <li>• <a href="#">Aluminum Rebuttal Form</a></li> <li>• <a href="#">Aluminum Rebuttal Guide</a></li> <li>• <a href="#">Aluminum Surrebuttal Form</a></li> <li>• <a href="#">Aluminum Surrebuttal Guide</a></li> </ul>

- [The International Trade Commission's 2019 Harmonized Tariff Schedule \(HTSUS\) code](#)
- [U.S. Customs and Border Protection](#)

## I. New 232 Exclusion Portal (as of June 13, 2019) **NEW**

Q. What is the 232 Exclusions Portal?

A. Beginning June 13, 2019, exclusion requests from the duties on steel or aluminum not “produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality” or exclusion requests “based upon specific national security considerations”, will be processed in the new [232 Exclusions Portal](#). This newly designed portal for submitting new exclusion requests, objections to exclusion requests, rebuttals, and surrebuttals will replace the Federal rulemaking portal (<http://www.regulations.gov>) and streamline the exclusions process while enhancing data integrity and quality controls. A user-guide is available at the [commerce.gov](http://commerce.gov) website.

Companies wishing to file objections, rebuttals, surrebuttals to exclusion requests submitted on the Federal rulemaking portal ([regulations.gov](http://regulations.gov)) will continue to use the [regulations.gov](http://regulations.gov) website.

Q. How will I benefit from this new 232 Exclusion Portal?

A. The benefits of the new 232 Exclusion portal are improved tracking capability, reduced wait-time on your request, and more user-friendly features to submit your request.

Q. Are there different submittal requirements between the [new online portal](#) and the old [regulations.gov](http://regulations.gov) website process?

A. No. The 232 Exclusion portal will ask for and require the similar information as the Federal rulemaking portal ([regulations.gov](http://regulations.gov)) process did.

Q. How do I register as a User in the new portal?

A. Registered users are required to create a User login profile to file any forms in the portal. This will enable the user to access their exclusion request, objections, rebuttals, surrebuttals and decision status. To create a user login profile,

1. Click on the 'Login' icon.
2. On the Login page, select 'Register as a new user',
3. Each user login profile requires a valid email and a password to complete the registration process.

4. After the valid email and password are entered, select 'Register'. A confirmation email will be sent to the login profile email provided. (If you are unable to find the confirmation email, check your spam folder)
5. Select the link in the email to confirm your account registration.
6. After confirming your account, the portal will allow you to login.
7. Enter the login profile email and password you provided. Then, select 'Log in'.

If you have technical issues, please contact [232ExclusionsPortal@bis.doc.gov](mailto:232ExclusionsPortal@bis.doc.gov) or 202-482-3203.

Or for more information, please read the external user guide at [www.commerce.gov/232](http://www.commerce.gov/232).

Q. How do I use the 232 Exclusions Portal to submit my exclusion request?

A. Once you have registered, follow the instructions below. A more detailed user-guide is available at the <https://www.commerce.gov/232> website.

- 1) Go to <https://trade.gov/232/steelalum>
- 2) Click on the button that says: 'Create New Exclusion Request'.
- 3) Complete the online form with production information, organization information, importer of record, organization representative contact information, organization activity, product information, commercial names and source countries. and certification.
- 4) Click "Submit Form"
- 5) You will be able to view your request on your dashboard or home screen.

Q. How will I upload a document into the 232 Exclusions Portal?

A. The 232 Exclusions Portal will allow requestors to upload up to 25-page, PDF document as supporting documents. Select 'Choose File', Click on the documents you wish to upload from your folder and select 'Ok'. Once it appears in the file bar, select 'Upload File' then select 'Done'.

Q. How do I track the status of my exclusion request?

A. Users have access to a dashboard which provides status on your exclusion requests. Under the 'Exclusion Requests' dashboard dropdown, the 'Status' column will show a status if the request has been "posted", "rejected", or "withdrawn".

Q. How do I view the objections in the 232 Exclusions Portal?

A. A registered user has access to a dashboard which provides a view into objection filings.



- 1) For a user to view any of their submitted objection filings, select 'Objection Filings'.
- 2) After selecting the filing type, a dashboard dropdown will appear, showing any filing of that type that a user has submitted. (Note: if a user has not filed any objection filings, no documents will appear in the dashboard dropdown for that respective filing type.)
- 3) Under the 'Objection Filings' dashboard dropdown, the 'ERID' column will show the exclusion request ID number that the objection filing is linked to, with a link to that request.
- 4) To view the actual objection, select 'Details' for the objection filing you would like to view.

#### Q. How do I view the rebuttals in the 232 Exclusions Portal?

A. Registered users have access to a dashboard which provides a view into objection rebuttals.

- 1) For a user to view any of their submitted objection rebuttal filings, select 'Objection Rebuttals'.
- 2) After selecting the filing type, a dashboard dropdown will appear, showing any filing of that type that a user has submitted. (Note: if a user has not filed any objection filings, no documents will appear in the dashboard dropdown for that respective filing type.)
- 3) Under the 'Objection Rebuttals' dashboard dropdown, the exclusion request ID (ERID) and objection filing ID (OFID) columns will show the exclusion request ID number and objection filing ID number that the objection rebuttal is linked to, with links to those filings.
- 4) To view the actual objection rebuttal, select 'Details' for the objection rebuttal filing you would like to view.

#### Q. How do I view the surrebuttal in the 232 Exclusions Portal?

A. Registered users have access to a dashboard which provides a view into surrebuttal filings.

- 1) For a user to view any of their submitted surrebuttal filings, select 'Surrebuttals'.
- 2) After selecting the filing type, a dashboard dropdown will appear, showing any filing of that type that a user has submitted. (Note: if a user has not filed any objection filings, no documents will appear in the dashboard dropdown for that respective filing type.)
- 3) Under the 'Surrebuttals' dashboard dropdown, the 'ERID', 'OFID', and 'ORID' columns will show the exclusion request ID number, the objection filing ID number, and

objection rebuttal ID number that the surrebuttal is linked to, with links to those filings.

To view the actual surrebuttal, select 'Details' for the surrebuttal filing you would like to view.

Q. Who should I contact if I have any technical questions on the 232 Exclusions Portal?

A. For portal-related inquiries, please contact the 232 Exclusions Portal Support Help Desk at 1-202-482-3203 or [232ExclusionsPortal@bis.doc.gov](mailto:232ExclusionsPortal@bis.doc.gov).

## II. General Information

Q. Who is eligible to submit an exclusion request?

A. Only directly affected individuals or organizations located in the United States, who are using steel and or aluminum in business activities in the United States, are eligible to submit requests for exclusion from the steel or aluminum tariffs and/or quantitative limitations imposed under Section 232.

Q. Effective June 13, 2019, how would an eligible party request an exclusion in the new 232 exclusion portal? *NEW*

A. Beginning June 13, 2019, the exclusion request from the duties on steel or aluminum 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”, will be processed on the new [online 232 exclusion portal](#). This newly designed portal offers people submitting new exclusion requests, objections to exclusion requests, rebuttals, and surrebuttals to replace the use of the Federal rulemaking portal (<http://www.regulations.gov>) and streamline the exclusions process while enhancing data integrity and quality controls. A user-guide is available at [commerce.gov](http://commerce.gov) website.

For those who submitted their exclusion request prior to June 13, 2019 in [regulations.gov](http://www.regulations.gov) website, the objections to exclusion requests, rebuttals, and surrebuttals will continue to use the Federal rulemaking portal (<http://www.regulations.gov>).

Q. How would an eligible party request an exclusion before June 13, 2019? *NEW*

A. The requestor of an exclusion from the tariffs or quantitative limitations on steel/aluminum article imports should first go to the 232 steel docket on [regulations.gov](http://www.regulations.gov) website and download the *[Request for Exclusion from Remedies from the Section 232 National Security Investigation of Imports of Steel](#)* (Exclusion Request) form, which can also be found under “Supporting Documents.”

For aluminum imports, the party should first go to the 232 aluminum docket on [regulations.gov](http://www.regulations.gov) and download the *[Request for Exclusion from Remedies from the Section 232 National Security Investigation of Imports of Aluminum](#)* (Exclusion Request) form, also found under “Supporting Documents”.

Completely fill out the Excel form. You must complete a separate form for each distinct type and dimension of steel/aluminum product for which an exclusion is being sought.

To submit your exclusion request, click on the “**Comment Now!**” button associated with the docket (“Requirements for Submissions Requesting Exclusion from the Remedies...”). For each

submission, there can only be one (1) additional attachment in the form of a PDF that does not exceed 25 pages under 10 MB.

Make sure to record your comment tracking number. Please also note that all information submitted in an exclusion request will be subject to public review and will be made available for public inspection and copying. If a requester has confidential business information that they believe relevant to the consideration of their exclusion request, they may indicate that in the appropriate field of the form.

Q. On what basis will a product exclusion be granted?

A. A product exclusion will be granted if the article is not produced in the United States: (1) in sufficient and reasonably available amount, (2) satisfactory quality, or (3) there is a specific national security consideration warranting an exclusion.

Q. If granted, do I notify CBP of my exclusion approval?

A. Upon receipt of the approved product exclusion from DOC, for the importer of record listed in the approved exclusion, please provide that company's name, address and importer of record number, and the associated product exclusion number, to U.S. Customs and Border Protection (CBP) at [Traderemedymail@cbp.dhs.gov](mailto:Traderemedymail@cbp.dhs.gov). For approved quota exclusions, send a cc: of the information to [HQQQuota@cbp.dhs.gov](mailto:HQQQuota@cbp.dhs.gov). Please refer to U.S. Customs and Border Protection Cargo Systems Messaging Service [CSMS #18-000663](#) for further instructions on receiving retroactive relief. If submitting multiple exclusion numbers, consolidate into one email submission.

Q. What if I disagree with the denial of exclusion request?

A. If you were denied an exclusion and disagree with a decision, you may file a new exclusion request if new or different facts or circumstances exist which meet the criteria for approving an exclusion request. This new information could include, for example, supporting documentation describing the inability or refusal of the objector(s) to provide the product. A company may use the comments section on the forms to provide additional supporting information in PDF document not to exceed 25 pages.

Q. How long is my product exclusion effective?

A. Generally, an exclusion is granted for one year from the date of signature, or until all excluded product volume is imported (whichever comes first). Companies are also able to obtain retroactive relief for the period between the date of submittal and the date it was granted.

Q. Who is eligible for a retroactive refund?

A. Companies who were granted exclusion requests are eligible for a refund retroactive to the date the request was submitted on the [regulations.gov](https://www.regulations.gov) website or the 232 Exclusions Portal

Q. How do I get my retroactive refund?

A. Customs and Border Protection (CBP) has provided detailed instructions about how to receive a retroactive refund. Please refer to U.S. Customs and Border Protection Cargo Systems Messaging Service [CSMS #18-000663](#) for further instructions on receiving retroactive relief.

Q. Can my product exclusion be revoked?

A. The Department of Commerce may revoke granted product exclusions if it is determined that submitted information was falsified or if there was a technical issue that resulted in an inadvertent approval.

Q. How do I renew my exclusion request? **NEW**

A. Generally, an exclusion is granted for one year from the date of signature, or until all excluded product volume is imported. If you would like to renew your exclusion request(s), please submit the appropriate steel or aluminum exclusion request on the 232 Exclusions Portal.

Q. What are the most common errors in submitting exclusion requests resulting in rejection?

A. Below is a list of the most common errors found in exclusion request submissions:

<b>Form Section</b>	<b>Common Errors</b>
1.c	Parent organization - type activity is not being declared using the drop-down choices. Question is left blank.
2.a	1) Average annual consumption – some companies do not provide data; 2) Data on Exclusion Request provided in 1.d does not have to agree with data provided in 2.a
2.c	Some companies fail to complete this section.
2.h	Some companies fail to identify the U.S. ports that will receive the imported Steel or Aluminum product; or they name port operators -- but do not identify the port.

2.i	One or both parts of this two-part question may not be completed.
2.k	Companies fail to cite a standards organization for their product.
3.a	Chemical composition – For steel exclusion requests, a common problem is failing to provide iron content values; for Aluminum exclusion requests, companies fail to provide Aluminum content values. Companies wanting to make objection filings will want this information. Total values of chemicals declared should aim for greater than 99.7%. Chemical composition IS NOT proprietary information. The composition of steel and Aluminum is easily defined with a mass spectrometer.
3.b Specs	Typically, the critical dimensions are thickness, width and height. For cylindrical products, the outside diameter (height) should be provided.
3.b Strength	In most instances there should be a declaration either for tensile, strength, yield strength, or hardness. One exception is slab, which is relaxed metal without these performance parameters.
3.b Toughness	There should be a declaration either for tear testing or impact testing for products where durability, deformation, and failure are a concern.
3.b Ductility	Data on metal ductility should be provided where metal deformation and bendability are performance concerns.
3.c. Surface Finish	When someone declares that surface finish and/or smoothness is important, then they should provide a Profilometer score.
4.e-4.h	Companies are failing to click "Yes" or "No" in the drop-down box; If the response is in the Comment Box, it will be accepted.
5.a-5.d	Companies are failing to click "Yes" or "No" in the drop-down box; If the response is in the Comment Box, it will be accepted.
Supporting documentation	All ER submissions must only contain one supporting document. All submissions with more than one supporting document will be rejected.

Q. What is the minimum volume of product I can request an exclusion on?

A. A minimum quantity over 1 kilogram is required to be administered by Customs and Border Protection (CBP) and processed for an exclusion request.

### III. Exclusion Request Process

Q. What is the process for reviewing product exclusion requests?

A. Once an exclusion request is submitted online, Customs and Border Protection (CBP) reviews the Harmonized Tariff Schedule of the United States (HTSUS) code cited in the submission for accuracy and provides their response to the Department of Commerce (DOC). Then, DOC reviews each request for conformance with the submission requirements. Those requirements are set forth [Supplements No. 1 and 2 to 15 CFR part 705](#). If the submission meets the requirements for an exclusion request, it will be posted on the new 232 Exclusions Portal or on [regulations.gov](#) (for submissions prior to June 13, 2019) website.

Once a request is posted by DOC, there is a 30-day public comment period during which any individual or organization that manufactures the relevant articles in the United States may object. If an exclusion does not receive an objection it is placed into a streamlined process for a decision determination after a national security review

If an exclusion request receives one or more objections, then the original requester can submit a rebuttal to each objection. Objectors are then afforded the opportunity to submit a surrebuttal to each rebuttal. Following the completion of these steps, all information in the case is reviewed by the DOC International Trade Administration (ITA) with a recommendation provided to the Bureau of Industry and Security (BIS). BIS reviews the recommendation and conducts a final national security review for a decision. Once a decision is rendered, the decision memo is posted on the [www.regulations.gov](#) website or the 232 Exclusions Portal.

Q. What are some reasons for rejected exclusion requests?

A. An exclusion request may be rejected during initial review due to incomplete submission and/or a failure to satisfy the requirements for an exclusion request. The company's point of contact (POC) will receive an email from [steel232@bis.doc.gov](mailto:steel232@bis.doc.gov) or [aluminum232@bis.doc.gov](mailto:aluminum232@bis.doc.gov) rejecting the request. In addition, if an exclusion request cannot be administered by Customs and Border Protection (CBP) it will be rejected. Incomplete submissions will not be posted on the new 232 Exclusions Portal or on [regulations.gov](#) (for submissions prior to June 13, 2019) website.

Q. How long after I submit an exclusion request will I see it posted online?

A. Typically, the posting of an exclusion request may take between 20 business days for the new 232 Exclusion Portal to 50 business days on the [www.regulations.gov](#) website. Once an exclusion request is submitted, an Exclusion Request ID (ERID) in the new 232 Exclusion Portal or tracking number in [regulations.gov](#) is provided for status information on your exclusion request.

Q. How do I track the status of my exclusion request?

A. Please use your tracking number to check the status of your exclusion request on [regulations.gov](https://www.regulations.gov) or the new 232 Exclusion Portal. For submissions prior to June 13, 2019, the title of your request will inform you of its status (Review, Rebuttal Period, Surrebuttal Period, and Granted/Denied). You may also reference the rebuttal/surrebuttal finder at this link to determine the status: [Aluminum and Steel Rebuttal Surrebuttal Finders](#).

Q. How do I submit an objection to an exclusion request?

A. Once an exclusion request is posted by the Department of Commerce for the 30-day comment period, eligible objectors may submit an objection. When submitting an objection, an objector must locate the exclusion request and submit a comment on that exclusion request. The file name of the objection submission must, at a minimum, include 1) the objector's name, 2) date of submission of the objection, 3) name of the organization that submitted the exclusion request, and 4) the date the exclusion request was posted.

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. For each objection filed prior to June 13, 2019, objector should submit using the appropriate steel or aluminum objection Excel form, with a PDF attachment not to exceed 25 pages on [regulations.gov](https://www.regulations.gov). Please see [Supplements No. 1 and 2 to 15 CFR part 705](#) for additional information.

For further details on how to submit an objection to an exclusion request on the 232 Exclusions Portal, please refer to the [External User Guide](#). For further details on how to submit an objection to an exclusion request on [regulations.gov](https://www.regulations.gov), please refer to [Steel Objection Filing Guide](#) or [Aluminum Objection Filing Guide](#)

Q. When can I file an objection?

A. The objection filer can submit an objection if and when an exclusion request has been posted on the [new 232 online portal](#) or on [regulations.gov](https://www.regulations.gov) (for submissions prior to June 13, 2019) website. You will have 30 calendar days from when the exclusion request is posted to submit an objection. A separate objection is needed for each exclusion request. For additional information about submitting an objection, please see Annex 1 to [Supplements No. 1 or 2 to 15 CFR part 705](#).

For further details on how to submit a rebuttal to an exclusion request on the 232 Exclusions Portal, please refer to the [External User Guide](#). For further details on how to submit a rebuttal to



an exclusion request on regulations.gov, please refer to: [Steel Rebuttal Guide](#) or [Aluminum Rebuttal Guide](#).

Q. What happens if my exclusion request receives objections?

A. If objections are submitted during the 30-day comment period, the Department of Commerce (DOC) reviews each objection for conformance with the submission requirements. If the objection meets the requirements, it will be posted. Once an objection is posted, the DOC will re-open the exclusion request for a rebuttal period of 7 calendar days.

During these 7 days, the party requesting an exclusion will have the opportunity to submit the rebuttal form in response to the objection. If a rebuttal is submitted, the DOC also reviews each rebuttal for conformance with the submission requirements and posts rebuttals meeting the requirements.

If a rebuttal is posted, the DOC will re-open the exclusion request for a surrebuttal period of 7 calendar days. During these 7 days, the objecting party will be able to submit the surrebuttal form in response to the rebuttal.

If the requesting or objecting parties have confidential or proprietary business information in their rebuttal or surrebuttal, they must provide a summary for a public submission, comply with the other requirements in paragraph (b)(5)(iii) of the relevant [supplement to 15 CFR part 705](#), and send it to [232rebuttals@doc.gov](mailto:232rebuttals@doc.gov) or [232surrebuttals@doc.gov](mailto:232surrebuttals@doc.gov), respectively.

Q. How do I submit a rebuttal to an objection? And when can I file a rebuttal?

A. Please use your tracking number to check the status of your exclusion request on regulations.gov or the new 232 Exclusion Portal. For submissions prior to June 13, 2019, the title of your request will inform you of its status (Review, Rebuttal Period, Surrebuttal Period, Granted/Denied). You may also reference the rebuttal/surrebuttal finder at this link to determine the status: [Aluminum and Steel Rebuttal Surrebuttal Finders](#).

The exclusion requester can file a rebuttal if and when an objection has been posted on the [new 232 online portal](#) or on [regulations.gov](#) (for submissions prior to June 13, 2019) website. You will have 7 calendar days from when the objection is posted to submit a rebuttal. A separate rebuttal is needed for each objection. For additional information about submitting a rebuttal, please see Annex 1 to [Supplements No. 1 or 2 to 15 CFR part 705](#).

For further details on how to submit a rebuttal to an exclusion request on the 232 Exclusions Portal, please refer to the [External User Guide](#). For further details on how to submit a rebuttal to

an exclusion request on regulations.gov, please refer to: [Steel Rebuttal Guide](#) or [Aluminum Rebuttal Guide](#).

Q. When can I file a surrebuttal?

A. Objectors can file a surrebuttal if and when a rebuttal has been posted on the [new 232 online portal](#) or on [regulations.gov](#) (for submissions prior to June 13, 2019) website. They have 7 calendar days from when the rebuttal is posted to submit a surrebuttal. A separate surrebuttal is needed for each rebuttal to which you are responding. For additional information about submitting a surrebuttal, please see [Annex 1 to Supplements No. 1 or 2 to 15 CFR part 705](#).

For further details on how to submit a surrebuttal to an exclusion request on the 232 Exclusions Portal, please refer to the [External User Guide](#). For further details on how to submit a surrebuttal to an exclusion request on regulations.gov, please refer to: [Steel Surrebuttal Guide](#) or [Aluminum Surrebuttal Guide](#)

Q. Are expired exclusion request, objection, rebuttal and surrebuttal forms accepted after their expiration date? **NEW**

A. Currently, the Office of Management and Budget (OMB) approved expiration date is April 30, 2022, located on the top right corner of the exclusion request, objection, rebuttal, and surrebuttal forms. If you have submitted a form with an expired date, it will still be accepted.

Q. Can my company make changes to the exclusion request after we have submitted?

A. No, a company cannot make substantive changes to their exclusion request after submission. However, after the exclusion request has been granted, the Department of Commerce will accept non-substantive changes such as 1) company name change, in the case of a merger or acquisition, 2) company point of contact information, and/or 3) the importer of record (IOR). Please contact [Steel232@bis.doc.gov](mailto:Steel232@bis.doc.gov) or [Aluminum232@bis.doc.gov](mailto:Aluminum232@bis.doc.gov) for more information or to request non-substantive changes.

Q. Are approved exclusion requests transferrable to other internal or external organizations?

A. No. The company that filed the original exclusion request has exclusive rights and a granted exclusion is non-transferrable.

Q. Can my company make a name changes to the exclusion request due to a merger or acquisition? **NEW**

A. If your company was granted an exclusion, then you are permitted to submit a name change. Company name changes are only allowed for administrative reasons such as a merger or acquisition. For name changes, you must email a request titled "Name Change" on the Subject line to [steel232@bis.doc.gov](mailto:steel232@bis.doc.gov) or [aluminum232@bis.doc.gov](mailto:aluminum232@bis.doc.gov) notifying DOC of the name change. The company will then receive the name change template to fill out. DOC will communicate with CBP and requesters can expect to be able to use exclusion in 10 business days.

## Canada & Mexico

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Q. Are you still accepting exclusion request on the steel and aluminum tariffs from Canada/Mexico after May 19, 2019?

A. On May 19, 2019, the president signed [Proclamation 9894](#) and [Proclamation 9893](#) Adjusting Imports of Steel and Aluminum Into the United States, which removed the 25% tariff on steel imports from Canada and Mexico and the 10% tariff on aluminum imports from Canada and Mexico. The removal of the tariffs for both steel and aluminum was effective on May 20, 2019.

Q. My exclusion request with a country of origin of Canada/Mexico received a denial decision memo due to an incorrect HTSUS code prior to May 19, 2019. Can I re-submit?

A. Yes, if a requester submitted an exclusion request for Canada and Mexico prior to May 19, 2019 and received a denial decision memo due to HTSUS code, a requester may re-submit after May 20<sup>th</sup>, 2019. If the resubmission is successful then the decision memo will honor the original filing date. Companies may reach out to U.S. Customs and Border Protection or consult the [International Trade Commission's](#) 2019 HTSUS code listing to confirm the HTS code is correct.

# Confidential Business Information (CBI)

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Q. Should I include Confidential Business Information (CBI) in the exclusion request submission? NEW

A. No, companies should not submit CBI with exclusion requests or objections. You may, however, select “yes” in the section of the exclusion request and objection forms stating, “I have additional information to provide that is proprietary or otherwise business confidential that is relevant and necessary to this submission.” The Department of Commerce will reach out to the company and request CBI ONLY if it is needed in the review process.

Q. Can CBI be included in the rebuttal or surrebuttal submission? NEW

A. Yes, CBI may be included in the rebuttal or surrebuttal submission by selecting “yes” in exclusion request product information section of the relevant form. Companies are required to submit a public summary of their CBI as part of their supporting documentation with their rebuttal or surrebuttal filing and otherwise follow the requirements for submitting CBI outlined in paragraph (b)(5)(iii) of the relevant supplement for steel or aluminum (Supplement No. 1 or No. 2 to 15 CFR part 705). CBI can be emailed to 232rebuttals@doc.gov or 232surrebuttals@doc.gov and must not exceed a 5-page PDF document.

# Harmonized Tariff Schedule of the United States (HTSUS) code

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Q. Where do I get access to the latest [International Trade Commission’s Harmonized Tariff Schedule](#) of the United States (HTSUS) code listing?

A. Requester may refer to [the International Trade Commission’s Harmonized Tariff Schedule](#) of the United States (HTSUS) code listing to confirm current HTSUS code.

Q. What should I do when a Harmonized Tariff Schedule of the United States (HTSUS) code in my exclusion request expired? **NEW**

A. Exclusion requests submitted with an expired HTSUS code after an HTSUS code change will be deemed as not administrable and rejected. Companies may submit a new exclusion request with the new HTSUS code. Exclusion requests submitted prior to HTSUS code changes will be accepted and processed.

## Importer of Record (IOR)

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Q. Why can't I list the name of my importer of record and/or foreign suppliers as confidential business information?

A. The name of the IOR is not considered confidential business information. Exclusion requests that list "business confidential" in those questions will be rejected.

Q. How can my company make changes in importer of record? **NEW**

A. If your company was granted an exclusion request, then you may make changes to the importer of record. For importer of record changes, companies can email [steel232@bis.doc.gov](mailto:steel232@bis.doc.gov) or [aluminum232@bis.doc.gov](mailto:aluminum232@bis.doc.gov) to indicate whether the change is an replacement/revision or addition to the IOR.

- A replacement/revision IOR change means that the original importer has been replaced with a new importer.
- An additional IOR change means that the additional approved importer(s) would have full rights to use the exclusion in its entirety as the agent for the requester.

Q. How do I report a non-U.S. address for my foreign importer of record in the new 232 Exclusions Portal?

In the 232 Exclusions Portal, exclusion requestors will need to request from their Foreign IOR who their **U.S. power of attorney/agent/customs broker** is and list them in fields below:

IOR Address	IOR City	IOR State	IOR Zip	IOR Country	IOR POC_Name
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as well as, list the name of the foreign importer of record information for the fields:

Q1b_IOR_Name	Q1b_IOR_POC_Email	Q1b_IOR_Website
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If the exclusion request is approved, CBP will be able to locate the requestor's foreign importer of record data in the CBP system when the IOR files a claim or post summary correction.

Additional information on foreign importer of record at:

[19 CFR Part 141 – Entry of Merchandise](#)

19 CFR 141.17, 141.18, 141.31, 141.32, 141.34, 141.35, 141.36, and 141.37 – provide more specific information related to nonresident importers.

## Quota Exclusions

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Q. Can I request an exclusion for a country subject to a quantitative limitation (quota)?

A. As of September 11, 2018, exclusion requests from quota countries are accepted and follow the standard process for review.

Q. Is the process for an exclusion request from a quantitative limitation the same as a regular exclusion request?

A. Companies requesting an exclusion from a quantitative limitation should indicate "yes" in section 5.e of the exclusion request form. The process is the same as submitting a tariff-based exclusion request.

Q. Which countries are subject to quotas for steel and aluminum imports?

A. Presently, quantitative limitations or quotas are in place for steel imports from Argentina, Brazil, and South Korea and for aluminum imports from Argentina. For more information, please visit CBP.

Q. Is the Department of Commerce accepting a project-specific, expedited quota exclusion request for steel?

A. No. As of March 31, 2019, project-specific, expedited quota exclusion requests for steel are no longer being accepted.

## IV. Exclusion Request Decision

Q. How long after the comment period closes will I see a decision posted?

A. The process depends on whether the exclusion request receives objections, rebuttals and/or surrebuttals. If an objection is posted, the Department of Commerce (DOC) will re-open the exclusion request for a rebuttal period of 7 calendar days. If a rebuttal is posted, the DOC will then re-open the exclusion request for a surrebuttal period of 7 calendar days. Once the request and all objections, rebuttals, and surrebuttals are reviewed and processed, a decision will be posted on the [new 232 exclusion portal](#) or [regulations.gov](#) (for submissions prior to June 13, 2019) website.

Q. How does the Department of Commerce review the exclusion request?

A. The Department of Commerce reviews the exclusion request alongside the objection(s), rebuttal(s), and surrebuttal(s) to the request and determines whether the item is produced in the United States in sufficient and reasonably available amount, satisfactory quality, or if there is a specific national security consideration warranting an exclusion. Once this process is completed, a decision memo will be posted on the [new 232 Exclusion Portal](#) or [regulations.gov](#) (for submissions prior to June 13, 2019) website.

Q. How will I know if my exclusion request has been granted or denied?

A. Once the Department of Commerce has decided on whether to grant an exclusion request, the decision will be posted on the [new 232 exclusion portal](#) or [regulations.gov](#) (for submissions prior to June 13, 2019) website.

For further details on how to view the status of your exclusion request on the 232 Exclusions Portal, please refer to the [External User Guide](#).

For further details on how to view the status of your exclusion request on regulations.gov, please refer to the Decision Memo Guides for more detailed instructions:

- Steel: [How to find my Steel Decision Memo Guide](#)
- Aluminum: [How to find my Aluminum Decision Memo Guide](#)

Q. Will the Department of Commerce identify the reason for the decision?

A. Yes, if the request is denied, the decision memo will state the reason. For each exclusion request, the Department of Commerce will post a decision memo specifying whether the request is granted or denied.

Q. Are requesters notified once a final determination has been made?

A. No, individual requesters will not be directly notified when a decision is made. Please monitor your exclusion request on the [new 232 Exclusions Portal](#) or [regulations.gov](#) (for submissions prior to June 13, 2019) website.



## V. Re-submission

Q. Who is eligible to re-submit an exclusion request?

A. If your company received a denied decision memo due to an incorrect Harmonized Tariff Schedule of the United States (HTSUS) code, you are eligible to re-submit and have your final decision tied back to your original submission date for refund purposes. Companies that did not receive a denied decision memo are NOT eligible for re-submission.

Q. What qualifies as a re-submission?

A. A requester may re-submit an exclusion request if they were denied due to an invalid HTSUS code. The revised exclusion request may contain inconsequential changes, (point of contact information, importer of record, grammatical errors). A company is **not** allowed to file a re-submission that includes substantive changes. A substantive change is any modification to the product for which the company is requesting a re-submission. If a company sends an exclusion request that includes a substantive change, including but not limited to new information on the exclusion request form, changes to quantities, chemical composition, physical specification, and country of origin, the request will be treated as a **new** submission.

Q. How do I re-submit an exclusion request?

A. Parties wishing to re-submit an exclusion request due to an invalid HTSUS code on their original submission should submit a new exclusion request with the revised HTSUS code. Be sure to consult [the International Trade Commission's 2019 HTSUS code](#) listing to confirm that the correct HTSUS code.

Once the exclusion request is submitted, send an email to [steel232@bis.doc.gov](mailto:steel232@bis.doc.gov) or [aluminum232@bis.doc.gov](mailto:aluminum232@bis.doc.gov) with the Subject "Re-submissions [New Document ID]". Specifically, the email should include:

- Exclusion ID (ERID) or Tracking number for the original exclusion request that received the denied decision memo
- ERID/Tracking Number or Portal ID for the revised exclusion request
- Copies of both the denied and approved decision memos
- The filing date for the denied decision memo

A re-submission must tie back to an original decision memo.

Q. Do I need to notify Customs and Border Protection (CBP) that I have re-submitted my exclusion request with the correct HTSUS?

A. No. When parties re-submit an exclusion request with the revised HTSUS code, CBP will review the exclusion request. If approved, the Department of Commerce will provide the decision memo retroactive to the date of the original exclusion request.

Q. If my original exclusion request was denied for HTS-related discrepancies and now, I have the correct HTS code, I understand that if Commerce grants my re-submission, I will be eligible for relief back to the date of my original submission. How do I highlight that my re-submission falls under this category?

A. For a re-submission, submit the new exclusion request on the new [232 Exclusions Portal](#). Upon receiving an exclusion request ID number for the revised exclusion request, email [steel232@bis.doc.gov](mailto:steel232@bis.doc.gov) or [aluminum232@bis.doc.gov](mailto:aluminum232@bis.doc.gov) with the Subject Line: "HTS code Resubmittal" and provide the tracking number from regulations.gov for the original submission and the exclusion request number from the 232 Exclusions Portal for the resubmission.

A company must have a decision memo that states your HTS code was invalid for your exclusion request to be eligible for re-submission. An email notification stating the exclusion request is rejected upon initial review does not qualify for resubmission. If a company received an email notification that CBP determined the HTS code does not match the product specifications in the exclusion request, then the company is not eligible for re-submission.

Q. Can my company consolidate multiple exclusion request into one re-submission?

A. Companies are only allowed to submit one re-submission per exclusion request. If a company has multiple exclusion requests, they cannot consolidate the multiple exclusion request into one re-submission.

Q. Can I split my volume in half and submit two re-submission as opposed to one with the cumulative volume quantity?

A. Companies are only allowed to submit one re-submission per exclusion request. Changing volumes between an exclusion request and re-submitting is considered a substantive change and will be rejected.

Q. My company withdrew our exclusion request due to an incorrect HTSUS code. Can we tie it back to the original exclusion request date?

A. If your company withdrew an exclusion request, your exclusion request will be processed as a new request. Withdrawals do not meet the eligibility requirements for a re-submission.

## Contact Us

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Who do I contact if I have additional questions?

- For steel-related inquiries, please email [steel232@bis.doc.gov](mailto:steel232@bis.doc.gov) or call 202-482-5642 Monday-Friday 8:30 am -5:00 pm ET.
- For aluminum-related inquiries, please email [aluminum232@bis.doc.gov](mailto:aluminum232@bis.doc.gov) or call 202-482-4757 Monday-Friday 8:30 am -5:00 pm ET.
- For portal-related inquiries, please contact the 232 Exclusions Portal Support Help Desk at 1-202-482-3203 or [232ExclusionsPortal@bis.doc.gov](mailto:232ExclusionsPortal@bis.doc.gov)
- For questions on obtaining refunds, please contact U.S. Customs and Border Protection at [traderemedymail@cbp.dhs.gov](mailto:traderemedymail@cbp.dhs.gov)
- For questions on exclusion requests denied for HTSUS concerns for Section 232, please contact [section232assistance@cbp.dhs.gov](mailto:section232assistance@cbp.dhs.gov).

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