

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

OMB Control No. 0694-0146

A. Justification

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.

The President has initiated twelve investigations into the effects of imports of various article on the national security of the United States under Section 232 since March 2025, namely: 1) Copper; 2) Timber and Lumber; 3) Semiconductors and Semiconductor Manufacturing Equipment; 4) Pharmaceuticals and Pharmaceutical Ingredients; 5) Trucks; 6) Processed Critical Minerals; 7) Commercial Aircraft and Jet Engines; 8) Polysilicon; 9) Unmanned Aircraft Systems; 10) Wind Turbines; 11) Robotics and Industrial Machinery; and 12) Personal Protective Equipment, Medical Consumables, and Medical Equipment. The President has also issued multiple Presidential Proclamations implementing tariffs or similar actions to adjust imports of these articles based on the findings of these investigations under Section 232, or revising tariffs or other actions previously implemented with respect to certain articles following prior investigations under Section 232 (particularly Steel, Aluminum, and Automobiles and Automobile Parts).

Background on Section 232 Inclusions Process

Several Proclamations have directed the Secretary to create a process for including additional derivative articles within the scope of the new and existing ad valorem tariffs established under Section 232, including Proclamations 10895 and 10896 of February 2025 (for the Section 232 Steel and Aluminum Tariff), Proclamation 10962 of July 2025 (for the Section 232 Copper Tariff), and Proclamation 10976 of September 2025 (for the Section 232 Timber and Lumber Tariff). These Proclamations broadly authorize the Secretary to include additional derivative articles within the scope of the tariffs unilaterally, or at the request of a producer (or an industry association representing one or more such producers) of such articles or derivative articles within the United States after establishing that imports of said 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 investigations under Section 232 or their associated Presidential Proclamations.

BIS established the Section 232 Inclusions Process in an Interim Final Rule entitled ‘Adoption and Procedures of the Section 232 Steel and Aluminum Tariff Inclusions Process’ (90 FR 18780) in May 2025. The Interim Final Rule established the guidelines and procedures for submitting additional derivative aluminum and steel articles as Section 232 Inclusion Requests. BIS will expand the scope of additional derivative articles encompassed by this Interim Final Rule as needed to incorporate future investigations under Section 232.

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 specific timeframes, as described in Supplement no. 1 to Part 705.

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 certain imported products and their derivatives under Section 232.

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 identified products 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 product to the scope of the tariffs on imports of identified products 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 products to the scope of the tariffs on imports of identified articles 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 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.

BIS published a sixty-day notice in the Federal Register on August 1, 2025 (90 FR 36131) requesting public comments on this information collection in support of the Section 232 Inclusions Process. BIS received one public comment to this notice from the National Association of Manufacturers (NAM) filed by Ms. Andrea Durkin, Vice President of International Policy.

Comment: NAM offered several recommendations to improve the Section 232 Inclusions Process.

First, NAM recommended that BIS expand both the fourteen-day public comment window and the overall sixty-day timeline to decision in the Section 232 Inclusions Process. NAM also asked that BIS provide additional time for public comment when corrections are made to submitted HTSUS Classifications as well as additional notice and time for compliance (including in-transit consideration for goods in shipment) prior to the implementation of new Section 232 Inclusions.

Second, NAM recommended that BIS tighten the criteria for valid Section 232 Inclusion Requests. Specifically, NAM requested a minimum threshold of steel and aluminum content for eligible products and a requirement that eligible products be defined using specific product descriptions below the level of a ten-digit HTSUS Classification.

Third, NAM recommended that BIS clarify its criteria for reviewing Section 232 Inclusion Requests, including expanded data on the source and volume of imports as well as the availability of domestic supply and relevant quality certifications. NAM also recommended that BIS expand the rationale included on its Decision Memorandums for Section 232 Inclusions.

Fourth, NAM recommended that BIS create a transparent, centralized online portal for the Section 232 Inclusions Process.

Fifth, NAM recommended that BIS regularly review the scope and impact of Section 232 Inclusions and consider establishing a process to consider requests for their removal.

BIS Response: BIS appreciates the comments provided by NAM on the information collection for the Section 232 Inclusions Process. BIS underscores that Presidential Proclamations 10895 and 10896 of February 2025 explicitly set the overall sixty-day timeline for the Section 232 Inclusions Process in, and thus it is logistically prohibitive to offer further time for public comments without violating this timeline set by the President. BIS further observes that the existing public comment period appears sufficient for many commentors, with over two thousand comments submitted in the September 2025 Cycle of the Section 232 Inclusions Process. BIS will consider additional time between determination and implementation in future rounds of the Section 232 Inclusions Process, but notes that a relatively short timeline is necessary to prevent excessive stockpiling or other malfeasance that undermines the objectives of the Section 232 Steel and Aluminum Inclusions.

BIS understands the desire for greater clarification of criteria for Section 232 Inclusion Requests and the rationale for final Section 232 Inclusions. BIS deliberately chose not to set a fixed definition or threshold for a steel and aluminum derivative article in the Section 232 Inclusions Process. Instead, Section 232 Inclusion Requests must include an explanation justifying why the product in question contains enough steel or aluminum content or value to merit consideration as a derivative steel or aluminum article. BIS also underscores that products cannot be defined below a

ten-digit HTSUS Classification given high difficulty of implementation by CBP. However, BIS notes that CBP has issued clear guidance via CSMS Bulletins for cases in which the imported product does not contain any steel or aluminum content subject to Section 232.

BIS is actively considering other suggestions offered by NAM, including the creation of a standardized template or web portal for Section 232 Inclusions as well as potential procedures to consider removal of Section 232 Inclusions based on industry requests or internal review by BIS.

BIS, working with the International Trade Administration (ITA), also consults with Industry Trade Advisory Committees (ITACs) consisting of members outside the agency, who are industry leaders, to discuss current policies, programs, and standards.

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 48,000 burden hours. BIS estimates it will receive 3,000 Inclusion Requests annually across all identified products subject to current or potential tariffs under Section 232. For each Inclusion Request, the claimant is expected to file a request that would take

approximately sixteen hours to prepare. These estimates are based on the number of different derivative products not yet included in the scope of the current or potential tariffs 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 **\$2,112,000**, 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.

OMB Collection No. 0694-0146			
Type of Submission	Submissions	Burden Hours to Public	Costs to Public (\$44 per Hour)
Inclusion Requests	3,000	48,000 (16 Hours per Submission)	\$2,112,000

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.

The original OMB approved emergency PRA for this information collection was specifically for the aluminum and steel inclusion process. This collection has been adjusted to allow BIS to include additional derivative articles, as needed, to support the Section 232 inclusions process.

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.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not utilize statistical methods.