

## **Alert** | International Trade



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### **New Procedures for Requesting Exclusions From Metals Tariffs**

On June 10, 2019, the Department of Commerce’s (DOC) Bureau of Industry and Security (BIS) **announced** the imminent roll-out of a new Trade Expansion Act Section 232 exclusions portal (232 Portal), which will offer several benefits to those seeking exclusions from Section 232 steel or aluminum tariffs and those objecting to such requests. The BIS had initially intended to switch the exclusion request process to the 232 Portal in late 2018 or early 2019, but the partial government shutdown during that period resulted in delays. Those who have had to participate in the often-frustrating exclusion process via regulations.gov will undoubtedly welcome the new 232 Portal, developed to “streamline the exclusions process while enhancing data integrity and quality controls.”

The following changes will be of interest to users. First, all data submitted will now be via web-based forms, instead of the submission of excel spreadsheets to regulations.gov. Second, submitters will be able to view all relevant documents in one place with the exclusion request, objections, rebuttals, and surrebuttals all available on the same page. The system will also allow for the tracking of submission deadlines. Finally, the system will hopefully lead to faster decision times, as it will allow for easier collaboration between the several government agencies involved in approving or denying an exclusion request. For example, U.S. Customs and Border Protection will have direct access to the information included in an exclusion request to conduct validation of the submitted Harmonized Tariff Schedule number.

BIS will begin accepting new exclusion requests exclusively on the 232 Portal on June 13, 2019. Those wishing to submit an exclusion request between now and June 13 should continue to do so on [regulations.gov](https://www.regulations.gov). However, if a party seeking an exclusion would like to avoid further use of [regulations.gov](https://www.regulations.gov), it may consider waiting until the new portal is up and running. All exclusion requests filed on or before June 12 will continue to be processed until final decision on [regulations.gov](https://www.regulations.gov). The 232 Portal will be the only electronic means for the initiation of new exclusion requests on or after June 13.

A user guide for the portal is posted to the [BIS website](#), allowing familiarization with the new system before requests must be filed via the 232 Portal.

Steel and aluminum importers, domestic producers, and other interested parties should monitor the BIS website for access to the 232 Portal and more information. They should also be mindful that legacy requests and the connected objection, rebuttal, and surrebuttal process will continue to take place on [regulations.gov](https://www.regulations.gov).

Greenberg Traurig's [International Trade Practice](#) can assist with the exclusion request process, including navigation of the new portal, and stands ready to advise clients on any tariff-related matter (*see* GT Alert, [Trump Tariffs – An Overview](#)).

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