

February 10, 2026

The Honorable Jeffrey Kessler
Under Secretary of Commerce, Bureau of Industry and Security
Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Under Secretary Kessler:

The associations listed below write to express concern that the Administration's current implementation of Section 232 of the Trade Expansion Act of 1962 is creating significant challenges that undermine the competitiveness of US businesses and exacerbate affordability concerns across the US economy. While we support the Administration's national security objectives and promoting American manufacturing, we urge recalibrating the current approach to make both investigations and tariff programs more transparent, consultative, targeted, and conducive to compliance.

Since January 2025, the Administration has dramatically expanded the use of Section 232, launching 12 new investigations, initiating inclusions mechanisms for tariffs, and imposing new or higher tariffs on a wide range of products used by households and businesses across the economy, including steel, aluminum, copper, automobiles, lumber, and semiconductors and derivative products. Further potential actions are pending in a number of areas including pharmaceuticals and critical minerals. Duties imposed under these investigations are often stacked with other tariffs, including most-favored-nation tariffs, anti-dumping and countervailing duties, tariffs imposed under Section 301, Section 201, and certain duties adopted under the International Emergency Economic Powers Act (IEEPA).

The breadth of these investigations and tariff actions is unprecedented. The impact of this expanded tariff landscape has been profound, creating significant regulatory burdens, escalating compliance costs, and economic uncertainty, which in turn harms US-based manufacturing and business activity. The current US duty structure disadvantages those manufacturing or planning to expand operations domestically, imposing tariffs on parts, components, raw materials, and machinery, resulting in US manufacturers incurring higher costs than international competitors. Contrary to the aims of Section 232 and the Administration's broader objectives, these tariff costs incentivize US companies to manufacture in other countries to service global markets.

We are particularly concerned about the following processes and practices under Section 232 that cause unnecessary economic harm, including to consumers, and threaten the resilience of US businesses.

First, the institution of product inclusion processes and the highly truncated timelines for petitions and responses have made meaningful business engagement nearly impossible. To remedy this problem, the Department of Commerce should announce publicly when inclusion applications are posted as a matter of transparency to enable stakeholder comment. The interim final rule published by the Bureau of Industry and Security (BIS) in May 2025 for including additional derivative aluminum and steel articles within the scope of remedies provides only two weeks for

stakeholders to respond to proposed new product inclusions.¹ Any product inclusion processes must provide companies more time to analyze proposed changes, gather evidence, and submit substantive feedback, in order to ensure a fair and targeted approach. The Department of Commerce should also provide transparency with respect to the rationale for proposed inclusions, explaining the national security grounds for including additional derivative products. Multi-association letters from September² and December³ 2025 mirror our concerns about the challenges of these inclusion processes, including the broad economic ramifications of tariffs on steel and aluminum derivatives.

Second, the removal of the product exclusion process under Section 232 is of significant concern. The February 10 proclamations pertaining to steel and aluminum not only terminated consideration of new exclusion requests, but also rescinded exclusions already approved.⁴ For the sake of the US economy, businesses need a formal mechanism to seek relief from tariffs on products that 1) do not pose national security risks; and 2) have insufficient supply in the domestic market. The lack of competitive access for such products may cause unnecessary cost increases and supply chain disruptions. We are eager to work with the Administration in developing a tailored and targeted process to reflect these economic realities.

Third, the current Section 232 process lacks robust and transparent private sector consultation. The rapid pace of regulatory changes, short comment periods, and limited opportunities for input have made it difficult for businesses to engage constructively with policymakers. The process also deprives the Administration of the benefits of a fulsome interagency process. We specifically urge the Administration to improve the Section 232 consultation process by providing more meaningful comment periods and rebuttal processes for affected stakeholders. Moreover, we suggest subjecting Section 232 investigations to Industry Trade Advisory Committee “ITAC” review to ensure full consideration of impacts and to avoid unintended harm to US competitiveness.

Fourth, the administrative burdens currently imposed by Section 232 tariffs are enormous, with complex entry filing instructions, arcane and inconsistent valuation criteria, content restrictions, and documentation requirements for importers, brokers, and filers. The technical complexities introduced into the Harmonized Tariff Schedule of the United States, combined with the absence of an exclusion process and avenues toward meaningful tariff relief, have exacerbated these burdens, diverting resources from core operations and increasing compliance risk due to the sheer complexity of the regime. A lack of clear guidance on what constitutes “content” or “value” subject to the Section 232 tariffs on steel and aluminum, for example, creates continuing uncertainty. For example, many of the provisions classified as “derivatives” are broad HTS categories that require companies to spend time on administrative compliance steps to verify the content of items lacking any steel or aluminum content.

¹ <https://www.govinfo.gov/content/pkg/FR-2025-05-02/pdf/2025-07676.pdf>

² <https://www.uschamber.com/international/u-s-chamber-commerce-departments-new-section-232-steel-and-aluminum-inclusions-process>

³ <Final-Multiassociation-Letter-on-Commerce-Inclusion-Information-Collection-Request.pdf>

⁴ <https://www.govinfo.gov/content/pkg/FR-2025-02-18/pdf/2025-02832.pdf> and <https://www.govinfo.gov/content/pkg/FR-2025-02-18/pdf/2025-02833.pdf>

Finally, and more broadly, the criteria for linking specific products to national security remain opaque. This lack of clarity can lead to inconsistent application of the statute and to heightened uncertainty for importers and manufacturers.

In light of these challenges, we offer the following recommendations:

- Extend comment periods, hold public hearings, and provide greater advance notice for product inclusion proposals. Also provide more detailed explanations for inclusion selections.
- Announce publicly when inclusion applications are posted to give all stakeholders a chance to comment.
- Clearly define and publicly disclose the criteria for linking products to national security.
- Restore product exclusion processes to allow for targeted relief and provide reasonable timelines for industry input.
- Enhance private sector consultation mechanisms to ensure meaningful input, including through advisory committees established under US trade law.
- Reduce administrative burdens by simplifying forms, clarifying documentation requirements, and using targeted product descriptions instead of full HTS lines.
- Provide a commercially reasonable amount of time to implement tariffs under Section 232 and include an on-the-water exemption for products that shipped before the tariffs were announced.
- Adopt the complementary recommendations on Section 232 implementation put forward by the Commercial Customs Operations Advisory Council (COAC) at its January 2026 meeting.⁵
- Establish minimum steel/aluminum content thresholds (by value and volume); excluding products with *de minimis* steel/aluminum content will remove an unnecessary regulatory burden for US businesses and allow BIS and CBP resources to be more efficiently deployed.

We stand ready to serve as a trusted resource to the Administration to improve the fairness, efficiency, and transparency of the Section 232 process. Doing so will not only strengthen national security objectives but also bolster the competitiveness and resilience of American businesses and the broader US economy.

Thank you for your consideration of these recommendations.

Sincerely,

American Automotive Policy Council (AAPC)
American Clean Power Association
Associated Equipment Distributors
Automotive Body Parts Association
Autos Drive America
Border Trade Alliance
Coalition of American Metal Manufacturers and Users (CAMMU)
Computer & Communications Industry Association
Consumer Technology Association (CTA)
Fabricators and Manufacturers Association

⁵ https://www.cbp.gov/sites/default/files/2026-01/coac_recommendations_-jan_2026.pdf

Industrial Fasteners Institute
Information Technology Industry Council (ITI)
National Foreign Trade Council (NFTC)
National Retail Federation
North American Association of Food Equipment Manufacturers (NAFEM)
Outdoor Power Equipment Institute
Outdoor Power Parts & Accessories Association
Precision Metalforming Association
Precision Machined Products Association
PRINTING United Alliance
Retail Industry Leaders Association
TechNet
Technology Trade Regulation Alliance (TTRA)
U.S. Chamber of Commerce
US Council for International Business
United States Fashion Industry Association
U.S. Tire Manufacturers Association
VDMA America

CC: Senate Finance Committee Chairman Mike Crapo
Senate Finance Committee Ranking Member Ron Wyden
House Ways and Means Committee Chairman Jason Smith
House Ways and Means Committee Ranking Member Richard Neal