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Hon. Mark Paoletta
General Counsel
Office of Management and Budget
725 17th Street Northwest
Washington, DC 20503

Re: Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Inclusions to the Section 232 National Security Adjustments to Imports (OMB Control Number: 0694-0146)

Dear Mr. Paoletta:

The Consumer Technology Association (CTA) appreciates the opportunity to comment on the Bureau of Industry and Security (BIS) information collection, "Inclusions to the Section 232 National Security Adjustments to Imports" (Docket No. 2025-20874),¹ and to share how the inclusions process affects U.S. consumer technology manufacturers and importers. These comments are submitted in connection with OMB's review of this information collection under the Paperwork Reduction Act (PRA).

CTA represents the more than \$537 billion U.S. consumer technology industry which supports more than 18 million U.S. jobs. Our members include over 1200 companies from every facet of the consumer technology industry, including manufacturers, distributors, developers, retailers, and integrators, with 80 percent of CTA members being start-ups or small and mid-sized companies. CTA also owns and produces CES®, which showcases technology innovation and serves as a premier forum for technology policy discussions, including trade and investment. Over 142,000 people attended CES 2025, including more than 57,000 from outside the United States.

CTA has consistently engaged with BIS on Section 232 issues over the past year. CTA submitted comments in both Section 232 steel and aluminum inclusions windows, and in response to the investigations on PPE, medical consumables and medical equipment, including devices; robotics and industrial machinery; polysilicon; unmanned aircraft systems (UAS); commercial aircraft;

¹ *Federal Register, Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Inclusions to the Section 232 National Security Adjustments to Imports*, 90 Fed. Reg. 53,276 (Nov. 25, 2025), <https://www.federalregister.gov/documents/2025/11/25/2025-20874/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-omb-for>.

critical minerals; semiconductors and semiconductor manufacturing equipment; and copper.² This record reflects our strong interest in a stable, credible, and targeted national security framework that does not impose unnecessary burdens on downstream manufacturers and consumers.

CTA urges OMB, in exercising its PRA oversight, to ensure that BIS administers its Section 232 inclusions information collection in a narrow, evidence-driven manner grounded in clear national security objectives. The recent inclusions processes show BIS's recurring procedural and substantive failures that undermine stakeholder confidence in the process, burden downstream manufacturers, and weaken U.S. competitiveness. These deficiencies raise serious concerns under the PRA and should be addressed as part of OMB's review.

Section 232 Must Remain a Targeted National Security Tool

Congress designed Section 232 of the Trade Act of 1974 to address genuine and narrow threats to national security, not broad economic policy goals. In stretching the statute beyond that role, the Administration is eroding the credibility of Section 232 and inviting U.S. allies and trading partners to retaliate. CTA urges OMB to ensure that BIS does not use the inclusions process to expand the scope of additional derivative products with no clear national security nexus. Robotics, consumer electronics, appliances, autos and auto parts, and other downstream

² Letter to Hon. Jeffrey Kessler from CTA, *Adoption and Procedures of the Section 232 Steel and Aluminum Tariff Inclusions Process*, Docket No. 250915-0134 (XRIN 0694-XC139) (Oct. 21, 2025), <https://www.cta.tech/media/ui1lbse5/cta-comments-on-sec-232-steel-and-aluminum-inclusions.pdf>; Letter to Hon. Jeffrey Kessler from CTA, *Adoption and Procedures of the Section 232 Steel and Aluminum Tariff Inclusions Process*, Docket No. 250428-0073 (RIN 0694- AK13) (June 16, 2025), <https://www.cta.tech/media/kqunhr0k/cta-comments-to-bis-on-sec-232-steel-and-aluminum-inclusions-process.pdf>; Letter to Hon. Jeffrey Kessler from CTA, *Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Personal Protective Equipment, Medical Consumables, and Medical Equipment, Including Devices* (Docket No. 250924-0160; XRIN 0694-XC134) (Oct. 17, 2025), <https://www.cta.tech/media/dvxbuw4/cta-comments-on-sec-232-ppe-and-medical-devices-investigation.pdf>; Letter to Hon. Jeffrey Kessler from CTA, *Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Robotics and Industrial Machinery* (Docket No. 250924-0161; XRIN 0694-XC138) (Oct. 17, 2025), <https://www.cta.tech/media/gzxd4x4n/cta-comments-on-sec-232-robotics-investigation.pdf>; Letter to Hon. Jeffrey Kessler from CTA, *Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Polysilicon and its Derivatives*, Docket No. BIS-2025-0028 (XRIN 0694-XC128) (Aug. 6, 2025), <https://www.cta.tech/media/caohyx4c/cta-comments-to-bis-on-section-232-polysilicon-investigation.pdf>; Letter to Hon. Jeffrey Kessler from CTA, *Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Unmanned Aircraft Systems (UAS) and Their Parts and Components*, Docket No. BIS-2025-0059 (XRIN 0694-XC130) (Aug. 6, 2025), <https://www.cta.tech/media/a1go3v3a/cta-comments-to-bis-on-section-232-investigation-on-uas.pdf>; Letter to Hon. Jeffrey Kessler from CTA, *Section 232 National Security Investigation of Imports of Commercial Aircraft and Jet Engines and Parts for Commercial Aircraft and Jet Engines*, Docket No. 250509-0082 (XRIN 0694- XC127) (June 3, 2025), <https://www.cta.tech/media/pddhxxqc/final-draft-cta-comments-on-sec-232-investigation-on-commercial-aircraft.pdf>; Letter to Hon. Jeffrey Kessler from CTA, *Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Processed Critical Minerals and Derivative Products* (Docket No. 250422-0070; XRIN 0694-XC124) (May 16, 2025), www.cta.tech/media/vz5nwamo/final-cta-comments-on-bis-section-232-critical-minerals-investigation-20250516.pdf; Letter to Hon. Jeffrey Kessler from CTA, *Preliminary Comments of the Consumer Technology Association on the Section 232 National Security Investigation of Imports of Semiconductors and Semiconductor Manufacturing Equipment*, Docket No. 250414-0066 (XRIN 0694-XC121) (May 7, 2024), www.cta.tech/media/po1psqoj/final-cta-comments-on-bis-section-232-investigation-on-semiconductors-20250507.pdf; Letter to Stephen Astle from CTA, *Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Copper* (X-RIN 0694-XC116, BIS-2025-0010) (Apr. 1, 2025), www.cta.tech/media/1m3ntdng/final-draft-cta-comment-to-bis-on-section-232-copper-investigation.pdf.

technologies do not meet the criteria for inclusion merely because they contain incidental steel or aluminum or other components covered by Section 232 tariffs today or in the future.

CTA already highlighted the risk of tariff stacking in its prior Section 232 comments to BIS, including the effects of compounding tariffs to and the increased compliance risks for U.S. businesses. The complexity of BIS's regime of tariffs on steel and aluminum, autos and auto parts, copper, lumber and timber, and heavy and medium duty trucks will increase exponentially as BIS concludes its investigations on semiconductors, critical minerals, polysilicon, UAS, commercial aircraft, robotics, and medical devices. Derivative tariffs on top of existing and forthcoming actions will not only substantially distort supply chains and directly increase costs for U.S. manufacturers, but also ultimately place the burden on U.S. consumers.

BIS Cannot Circumvent the Inclusions Process

OMB should ensure that BIS treats the inclusions process as the exclusive vehicle for evaluating whether any new derivative products warrant tariffs. In recent inclusions processes, BIS undermined stakeholder trust when it added codes outside the formal process, relied on pre-determined lists, and issued decisions without clear reference to public input. Further, during earlier public comment periods related to the inclusions process, BIS changed tariff rates in the middle of the process and introduced new, unrelated HTS codes without clear justification. Stakeholders also had to respond to erroneous CBP lists that suggested future decisions before companies could complete their submissions. These actions created confusion, encouraged speculation, and forced companies to prepare compliance strategies with incomplete or conflicting information.

BIS should unequivocally commit to:

- Moving every inclusion request through the established public procedure;
- Eschewing informal or pre-prepared lists that stakeholders cannot review or address on the record; and
- Using public comments to guide outcomes, not treating them as a procedural formality prior to a determination of action.

Such affirm commitment will reinforce predictability and fairness at a time when U.S. manufacturers already face elevated uncertainty.

BIS Must Apply Clear, Objective, and Public Criteria

CTA urges OMB to require that BIS evaluate every proposed HTS code using transparent, repeatable, and evidence-driven criteria. BIS should publish these criteria in advance and apply them consistently.

CTA reiterates the following requirements:

1. **Reject requests for products with declining import volumes.**
As OMB already noted, the Presidential Proclamations directing BIS to establish the inclusions process all require that a showing of increased imports in a manner that threatens to impair national security before including additional derivative articles to the

scope of the tariffs. However, in prior rounds, a majority of proposed codes showed declining import volumes, incapable of posing a national security threat. BIS should reject such unjustified inclusions requests.

2. Reject requests for products that fail the derivative definition.

CTA analysis shows that many proposed codes contain less than half of their material value in steel or aluminum, far below the two-thirds threshold in the derivative definition. BIS should not treat packaging, brackets, fasteners, or other incidental content as a basis for tariffs on entire finished products.

3. Require individualized justification for each HTS code.

BIS should disregard bulk submissions that offer no specific rationale for each code and simply repeat the same justification across large lists. A credible request must align each code with the published criteria and national security rationale.

4. Apply a presumption of denial for previously rejected requests.

Without this safeguard, stakeholders must respond to the same proposals repeatedly, and BIS must reprocess the same requests in every inclusions process.

A criteria-based approach ensures that Section 232 remains grounded in genuine national security analysis and not ad hoc policy preferences.

BIS Must Limit Inclusions to Specific Products, Not Broad HTS Categories

Overly broad inclusions impose significant compliance burdens, even when a product contains no covered steel or aluminum. Thus, BIS should:

- Limit inclusions to specific derivative products, not entire HTS subheadings.
- Draft Chapter 99 notes narrowly to apply only to products that demonstrably contain steel or aluminum.
- Establish an exclusion mechanism for products that agencies inadvertently capture under broad tariff lines.

These safeguards will prevent misclassification and reduce unnecessary administrative costs for importers, customs brokers, and CBP.

BIS Must Ensure Predictable Timelines and Meaningful Comment Periods for the Inclusions Process

CTA urges OMB to require BIS to extend public response periods for inclusion requests to at least 30 to 45 days. Currently, BIS provides only 14 days to review, analyze, and respond to hundreds of proposed HTS codes. Such a short comment period does not allow companies with complex supply chains to sufficiently evaluate potential impacts, coordinate internally, and prepare the necessary comments. Rather, a 14-day timeline signals to stakeholders that BIS is uninterested in their views and has already arrived at a pre-determined outcome.

In addition to extending the comment period, BIS should:

- Make dockets fully searchable by HTS code and product description;
- Provide adequate notice of deadlines and changes in scope or methodology;
- Offer a 30-day post-decision comment period; and
- Conduct a formal periodic review to remove tariff lines when circumstances change.

These steps will strengthen the quality of stakeholder input and increase procedural fairness across sectors.

BIS Must Recognize the Operational Realities of Complex Supply Chains

Advanced technology products rely on global and multi-tiered supply chains. Tracing the precise steel and aluminum content in each finished device often requires specialized engineering analysis, proprietary supplier data, and detailed documentation that many firms cannot access. Small and mid-sized technology companies face especially steep hurdles, because they lack in-house compliance teams and carry limited leverage with upstream suppliers.

When BIS applies derivative tariffs to products with minimal steel or aluminum content, companies must redirect resources away from innovation and toward compliance. These burdens conflict with the Administration's goal to strengthen U.S. innovation and competitiveness while reducing unnecessary regulatory overhead and supporting small businesses. CTA urges OMB to require that BIS account for these realities when it designs and administers any inclusions process.

Conclusion

CTA urges OMB to use its PRA review authority to ensure that BIS strengthens the Section 232 inclusions process through transparency, procedural integrity, objective criteria, and a narrow national security focus. Broadening derivative tariffs without rigorous justification will raise costs for U.S. manufacturers, weaken supply chains, and strain relationships with allies and trading partners. A clear, consistent, evidence-driven framework will enable BIS to uphold national security while preserving U.S. competitiveness.

CTA appreciates OMB's attention to these issues and welcomes continued dialogue to ensure that the use of Section 232 tariffs does not create unintended, detrimental consequences across the economy.

Sincerely,



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