

United States Senate

WASHINGTON, DC 20510

June 07, 2023

The Honorable Gina Raimondo
Secretary
Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Dear Secretary Raimondo,

We write to urge the Department of Commerce to reform its Section 232 exclusion process for extruded aluminum imports.

In 2018, the Department of Commerce reported that rising aluminum imports “are ‘weakening our internal economy’ and threaten to impair the national security as defined in Section 232” and imposed a 10 percent tariff in response. As a result, aluminum imports fell by 31 percent and domestic production rose by nearly a billion dollars between 2018-2021. You have noted in public remarks that “the data show that those tariffs have been effective.”

Although these tariffs have curbed unfair foreign competition for primary aluminum producers, they have not sufficiently protected aluminum extruders. This is because the Department of Commerce has adopted overly broad tariff exclusion rules.

Your department’s General Approved Exclusions rules allow American purchasers to import extruded aluminum products tariff-free if the product cannot immediately “be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality.” If an American aluminum extruder objects to an exclusion, they must prove their company can either produce the extruded product in eight weeks or produce the extruded product faster than any specified foreign competitor. While the spirit of the requirements is reasonable, these rules have placed an unfair burden on American extruders.

American aluminum extruders employ over 60,000 workers, possess hundreds of presses, and can produce over five million custom shapes. This robust industry requires product dimensions and specifications to acquire the tooling necessary for individual manufacturing jobs, which can take weeks. This is not the result of extruder lethargy or a lack of productive capacity. Instead, it is the nature of custom manufacturing. The Department of Commerce nonetheless grants importers exemptions as if they were dealing with shelf-ready mass producers. Aluminum extruders in turn have difficulty overturning these exclusions.

As a result of these exclusions, extruded aluminum imports have risen 82 percent and American producers have lost millions of tons of possible sales since 2019. Foreign market penetration now exceeds 25 percent, the highest level in over a decade. Extruded aluminum imports from Mexico, which is suspected of accommodating Chinese transshipment, have risen an astonishing 150 percent.

American extruders have been forced to cut shifts, capital investment, and production. Since the third quarter of 2022, the Aluminum Extruders Council estimates that America’s extruder industry has been forced to lay off 15 percent of its workforce—costing our nation nearly 9,000 jobs. Extruder plants could be shuttered if these trends continue, which would hurt American workers and undermine America’s defense industrial base.

We respectfully urge the Department of Commerce to reform its tariff exclusion process for extruded aluminum products. We are confident that the department can find reasonable accommodations for this important industry.

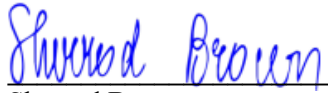
Sincerely,



Tom Cotton
United States Senator



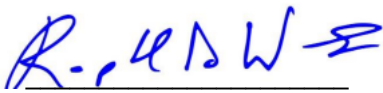
Mitt Romney
United States Senator



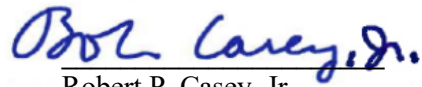
Sherrod Brown
United States Senator



Debbie Stabenow
United States Senator



Raphael Warnock
United States Senator



Robert P. Casey, Jr.
United States Senator



Marco Rubio
United States Senator