

Aluminum Import License Update

The U.S. Department of Commerce (Commerce) is delaying compliance with the final rule, entitled “Aluminum Import Monitoring and Analysis System,” by staying the regulations, 19 CFR part 361, from March 29, 2021, until June 28, 2021.

On December 23, 2020, Commerce published “Aluminum Import Monitoring and Analysis System,” (85 FR 83804 (Dec. 23, 2020) (Final Rule)) establishing the AIM system in part 361 that would be comprised of an aluminum import licensing program and a public AIM monitor, available through the AIM system website. On January 4, 2021, Commerce launched the AIM system website (<https://www.trade.gov/aluminum>). The original effective date for part 361 was January 25, 2021, meaning that licenses would be required for all covered aluminum imports on or after this date. On January 27, 2021, Commerce published a notification delaying the effective date of the AIM system until March 29, 2021, and opening a 30-day comment period to solicit public comment, on the January 27 notification, that closed on February 26, 2021, on all aspects of the Final Rule and the AIM system. 86 FR 7237 (Jan. 27, 2021).

Upon receipt and consideration of the public comment, Commerce has determined that it is appropriate to delay compliance with most aspects of part 361 and the AIM system by an additional ninety days, by staying part 361. This delay will allow Commerce time to finalize the license application system and to provide both the public and U.S. Customs and Border Protection (CBP) with sufficient advance notice of the new compliance date. In addition, the delay will allow Commerce to consider and respond, as appropriate, to the comments; Commerce intends to issue another notification addressing these comments prior to June 28, 2021.

Therefore, unless otherwise announced, compliance for the majority of part 361 and the AIM system will be effective on June 28, 2021, meaning that licenses will be required for all covered aluminum imports on or after this date. Additionally, the remaining portions of the regulations concerning the removal of the option to state “unknown” for certain fields on the aluminum license form will be effective on December 24, 2021, as stated in the relevant sections of part 361, unless otherwise announced. For further background and information, see the Final Rule.

A Federal Register Notice announcing the stay of regulations and delay of compliance date is expected to publish on April 1, 2021. Please note that in the case of any discrepancies between this announcement and the Federal Register notice, that the Federal Register notice prevails. Further guidance on licenses already issued and the issuance of new licenses in the intervening period before June 28, 2021 will be provided on the AIM system website.

Although Commerce is delaying compliance with the majority of part 361 and the AIM system as described above, Commerce is moving forward with one aspect of the AIM system on March 29, 2021. Specifically, Commerce will release the public AIM monitor on the AIM system website on March 29, 2021. When released, the public AIM monitor will provide information on U.S. imports of aluminum from all countries by broad product categories in both value and volume measures. The public AIM monitor will initially only include publicly available import data, as the license information will not be available. Once the license collection begins, and Commerce has had sufficient time to review the license data, the public AIM monitor will report certain aggregate information on imports of aluminum product categories using both publicly available import data and data obtained from the licenses.