

August 27, 2026

**SUBMITTED ELECTRONICALLY**

Mr. Stephen Astle  
Director, Defense Industrial Base Division  
Office of Strategic Industries and Economic Security  
Bureau of Industry and Security  
U.S. Department of Commerce  
1401 Constitution Ave NW  
Washington, D.C. 20230

***RE: Response to Section 232 Inclusion Request—Proposed Implementation of Duties on Additional Aluminum, Steel, and Copper Derivative Articles Under Section 232 (XRIN 0694-XC166)***

Dear Mr. Astle:

ACORE appreciates the opportunity to submit the following comments in response to the U.S. Department of Commerce’s (“the Department”) Docket No. 260803-0182 (“the request”) (also XRIN 0694-XC166), which proposes to include additional derivative articles within the scope of the tariffs imposed pursuant to Proclamation 9704, as amended; Proclamation 9705, as amended; or Proclamation 10962; as well as the modifications to tariffs described in Proclamation 11021.

ACORE<sup>1</sup> is a nonpartisan, nonprofit organization that operates at the intersection of affordability, reliability, and clean energy deployment. Our work is focused on stabilizing energy prices, strengthening the electric grid, and driving investment in cost-effective technologies to ensure that clean energy delivers for people, businesses, and the U.S. economy. ACORE’s membership includes clean energy investors, developers, energy buyers, power generators, manufacturers, and energy providers.

**Introduction**

ACORE appreciates the opportunity to provide comments in response to the Department’s proposal to apply a 25% tariff rate on derivative articles under four HTSUS (“Harmonized Tariff

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<sup>1</sup> “ACORE: Powering Investment in American Clean Energy,” accessed August 25, 2026, <https://acore.org/>.

Schedule of the United States”) codes (**8544.49.2000, 8544.49.3040, 8544.49.3080, and 8544.60.4000**) that cover electric conductor cables, goods needed by U.S. project developers to support the buildout of energy generation and transmission infrastructure.

### **Inclusion of Identified HTSUS Codes Impact U.S. Manufacturers’ Ability to Support Energy Affordability, the Defense Industrial Base, and Digital Infrastructure**

After nearly two decades of stagnant demand for electricity, the United States is facing a substantial increase in load growth driven primarily by factors that are aligned with Administration and Department’s objectives. Electric conductor cables, which serve to transport electricity from its source to its destination, are essential transmission infrastructure that support all types of energy generation projects, as well as industrial manufacturing facilities and digital infrastructure. Access to affordable, reliable, secure domestically produced electricity is essential to U.S. national security and the defense industrial base. It is also foundational to U.S. technological leadership and economic prosperity, and essential to meeting the Administration’s objectives of reducing costs for American consumers and businesses, promoting the reshoring of domestic manufacturing, and ensuring sufficient supply of electricity to advance U.S. leadership in artificial intelligence (“AI”).

Electric conductor cables are and can remain key components to achieving numerous Administration objectives, including the objectives and priorities identified in: *Declaring a National Energy Emergency*,<sup>2</sup> *America’s AI Action Plan*,<sup>3</sup> the *Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Grid Infrastructure, Equipment, and Supply Chain Capacity*,<sup>4</sup> and *Declaring a National Emergency to Secure the United States Bulk-Power System*.<sup>5</sup>

Three of the four HTSUS codes discussed in this comment (**8544.49.3040, 8544.49.3080, and 8544.60.4000**) are made primarily of copper. Copper is subject to substantial demand increase

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<sup>2</sup> “Declaring a National Energy Emergency,” The White House, January 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-energy-emergency/>.

<sup>3</sup> “America’s AI Action Plan,” The White House, accessed August 26, 2026, <https://www.ai.gov/action-plan>.

<sup>4</sup> “Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Grid Infrastructure, Equipment, and Supply Chain Capacity,” The White House, April 20, 2026, <https://www.whitehouse.gov/presidential-actions/2026/04/presidential-determination-pursuant-to-section-303-of-the-defense-production-act-of-1950-as-amended-on-grid-infrastructure-equipment-and-supply-chain-capacity/>

<sup>5</sup> “Declaring a National Emergency to Secure the United States Bulk-Power System,” The White House, August 26, 2026, <https://www.whitehouse.gov/presidential-actions/2026/08/declaring-a-national-emergency-to-secure-the-united-states-bulk-power-system/>.

driven by its extensive use in the technology and energy sectors. According to S&P Global, the global need for copper is projected to rise “...from 28 million metric tons in 2025 to 42 million metric tons by 2040—a 50% increase that underscores the metal’s pivotal role in multiple technology and economic domains.” Without supply expansion, S&P forecasts a 10 million metric ton copper shortfall by 2040.<sup>6</sup>

According to the U.S. Geological Survey, imports of refined copper have increased by 85% between 2021 and 2025, which coincide with a sharp increase of 13.4% in domestic prices in 2025. Previously, prices had remained relatively stagnant, i.e., under \$4.33 per pound, before shooting up to \$4.90 per pound in 2025.<sup>7</sup> While the U.S. mined approximately 1 million metric tons of copper domestically in 2025, it has become heavily reliant on countries such as Chile, Canada, Peru, and the Democratic Republic of the Congo (“DRC”), importing from them almost the equivalent amount over the same period of time.<sup>8</sup> More recently, copper prices marked their highest-ever close just this week on August 25, 2026. They have surged 15% this year as imports continue to rise, draining stockpiles elsewhere when mine supply is also under pressure.<sup>9</sup>

Data also suggests that imports of the derivative articles under all four HTSUS codes have risen between 2021 and 2025.<sup>10</sup>

| HTSUS Code    | Percentage Increase in Imports between 2021 and 2025<br>(in general customs value) |
|---------------|------------------------------------------------------------------------------------|
| 8544.49.20.00 | +76.93%                                                                            |
| 8544.49.30.40 | +688.51%                                                                           |
| 8544.49.30.80 | +12.04%                                                                            |
| 8544.60.40.00 | +352.09%                                                                           |

<sup>6</sup> Daniel Yergin, et al., “Copper in the Age of AI: Challenges of Electrification,” S&P Global, January 2026, <https://www.spglobal.com/en/research-insights/special-reports/copper-in-the-age-of-ai>.

<sup>7</sup> “Mineral Commodity Summaries 2026: Copper,” U.S. Geological Survey, May 2026, 72, <https://pubs.usgs.gov/periodicals/mcs2026/mcs2026.pdf>.

<sup>8</sup> Lewis Jackson and Amy Lv, “Where does the US get its copper?” Reuters, February 25, 2025, <https://www.reuters.com/markets/commodities/where-does-us-get-its-copper-2025-02-26/>.

<sup>9</sup> “Copper Steadies Near Record High as Supply Pressures Build Up,” Bloomberg News, August 25, 2026, <https://www.bloomberg.com/news/articles/2026-08-26/copper-climbs-from-record-high-close-with-supply-still-tight>.

<sup>10</sup> “Dataweb: New Data Request,” U.S. International Trade Commission, accessed August 27, 2026, <https://dataweb.usitc.gov/trade/search/GenImp/HTS>.

With domestic prices for copper rising, and domestic supply currently unable to meet demand, it is more important than ever to manage the need to support secure expansion of resources, while seeking to prevent energy generation and transmission project prices from rising, thereby increasing the cost of electricity to U.S. consumers.

### **One Identified HTSUS Code is Already Included in Proclamation 11021**

As a practical matter, ACORE would like to note that one particular HTSUS code identified in the request (**8544.49.2000**) is already noted in Annex I-B of Proclamation 11021 and therefore designated to be subject to 25% *ad valorem* tariffs. Within Annex I-B, the HTSUS code is noted as *8544.49.20: Insulated electric conductors for a voltage not exceeding 80 V, not fitted with connectors, of a kind not used for telecommunications*, which, as noted in the 2026 HTS Revision 17,<sup>11</sup> matches HTSUS 8544.49.2000. ACORE therefore recommends removing this code from the request and proposed list of additional derivative articles.

### **Conclusion and Recommendation**

The Administration has correctly identified the importance of the grid and its infrastructure to energy affordability, the defense industrial base, and digital infrastructure through the measures noted above and other statements, convenings, and actions. The Administration also prioritized grid infrastructure within Proclamation 11021 by ensuring that this equipment would be subject to lesser amounts of tariffs than most other goods in the Proclamation: “certain metal-intensive industrial equipment and electrical grid equipment will pay 15% through 2027, to accelerate the massive industrial base buildout currently underway across the United States.”<sup>12</sup>

The derivative articles covered under these HTSUS codes lack enough domestic production capacity to contribute to the ability of U.S. project developers and energy producers to support the Administration’s national security, economic, and technology objectives. Therefore, ACORE respectfully urges the Department to consider instead a 15% tariff rate, rather than a 25% rate, for the HTSUS codes discussed in this response, as well as any other electric conductor cables that are already subject to 25% tariffs under Proclamation 11021.

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<sup>11</sup> “Harmonized Tariff Schedule: 2026 HTS Revision 17,” U.S. International Trade Commission, accessed August 25, 2026, <https://hts.usitc.gov/>.

<sup>12</sup> “Fact Sheet: President Donald J. Trump Strengthens Tariffs on Steel, Aluminum, and Copper Imports,” The White House, April 2, 2026, <https://www.whitehouse.gov/fact-sheets/2026/04/fact-sheet-president-donald-j-trump-strengthens-tariffs-on-steel-aluminum-and-copper-imports/>.

If you have any questions about these comments, please do not hesitate to contact Jeremy Horan at [horan@acore.org](mailto:horan@acore.org) or Alessandra Chapman at [chapman@acore.org](mailto:chapman@acore.org).

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