

Presidential Documents

Title 3—

Proclamation 9758 of May 31, 2018

The President

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America

A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704, as amended (aluminum articles), by imposing a 10 percent ad valorem tariff on such articles imported from most countries, beginning March 23, 2018. I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9710 of March 22, 2018 (Adjusting Imports of Aluminum Into the United States), I noted the continuing discussions with the Argentine Republic (Argentina), the Commonwealth of Australia (Australia), the Federative Republic of Brazil (Brazil), Canada, Mexico, the Republic of Korea (South Korea), and the European Union (EU) on behalf of its member countries, on satisfactory alternative means to address the threatened impairment to the national security posed by imports of aluminum articles from those countries. Recognizing that each of these countries and the EU has an important security relationship with the United States, I determined that the necessary and appropriate means to address the threat to national security posed by imports of aluminum articles from these countries was to continue the ongoing discussions and to exempt aluminum articles imports from these countries from the tariff proclaimed in Proclamation 9704, as amended, until May 1, 2018.

4. In Proclamation 9739 of April 30, 2018 (Adjusting Imports of Aluminum Into the United States), I noted that the United States had agreed in principle with Argentina, Australia, and Brazil on satisfactory alternative means to address the threatened impairment to our national security posed by aluminum articles imports from these countries and extended the temporary exemption of these countries from the tariff proclaimed in Proclamation 9704, as amended, in order to finalize the details.

5. The United States has agreed on a range of measures with Argentina and Australia, including measures to reduce excess aluminum production and excess aluminum capacity, measures that will contribute to increased

capacity utilization in the United States, and measures to prevent the transshipment of aluminum articles and avoid import surges. In my judgment, these measures will provide effective, long-term alternative means to address these countries' contribution to the threatened impairment to our national security by restraining aluminum articles exports to the United States from each of them, limiting transshipment and surges, and discouraging excess aluminum capacity and excess aluminum production. In light of these agreements, I have determined that aluminum articles imports from these countries will no longer threaten to impair the national security and thus have decided to exclude these countries from the tariff proclaimed in Proclamation 9704, as amended. The United States will monitor the implementation and effectiveness of the measures agreed upon with these countries to address our national security needs, and I may revisit this determination, as appropriate.

6. In light of my determination to exclude, on a long-term basis, these countries from the tariff proclaimed in Proclamation 9704, as amended, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to such tariff as it applies to other countries. I have determined that, in light of the agreed-upon measures with these countries, and the fact that the tariff will now apply to imports of aluminum articles from additional countries, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

7. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

8. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Clause 2 of Proclamation 9704, as amended, is further amended by striking the last two sentences and inserting in lieu thereof the following two sentences: "Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all aluminum articles imports specified in the Annex shall be subject to an additional 10 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union, (b) on or after 12:01 a.m. eastern daylight time on May 1, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and the member countries of the European Union, and (c) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina and Australia. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported aluminum articles, shall apply to imports of aluminum articles from each country as specified in the preceding sentence."

(2) In order to implement a quota treatment on aluminum articles imports from Argentina, U.S. note 19 to subchapter III of chapter 99 of the HTSUS is amended as provided for in Part A of the Annex to this proclamation. U.S. Customs and Border Protection (CBP) of the Department of Homeland Security shall implement this quota as soon as practicable, taking into account all aluminum articles imports from this country since January 1, 2018.

(3) The “Article description” for heading 9903.85.01 of the HTSUS is amended by deleting “of Brazil, of Canada, of Mexico, or of the member countries of the European Union”.

(4) For the purposes of administering the quantitative limitations applicable to subheadings 9903.85.05 through 9903.85.06 for Argentina, the annual aggregate limits set out in Part B of the Annex to this proclamation shall apply for the period starting with calendar year 2018 and for subsequent years, unless modified or terminated. The quantitative limitations applicable to subheadings 9903.85.05 through 9903.85.06 for Argentina, which for calendar year 2018 shall take into account all aluminum articles imports from Argentina since January 1, 2018, shall be effective for aluminum articles entered for consumption, or withdrawn from warehouse for consumption, on or after June 1, 2018, and shall be implemented by CBP as soon as practicable, consistent with the superior text to subheadings 9903.85.05 through 9903.85.06. The Secretary of Commerce shall monitor the implementation of the quantitative limitations applicable to subheadings 9903.85.05 through 9903.85.06 and shall, in consultation with the Secretary of Defense, the United States Trade Representative, and such other senior Executive Branch officials as the Secretary deems appropriate, inform the President of any circumstance that in the Secretary’s opinion might indicate that an adjustment of the quantitative limitations is necessary.

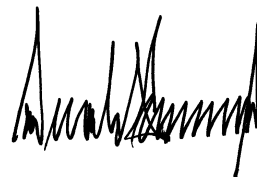
(5) The Secretary of Commerce, in consultation with CBP and with other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(6) Clause 5 of Proclamation 9710, as amended, is amended by striking the phrase “as amended by Proclamation 9710,” in the first and second sentences and inserting in lieu thereof the following phrase: “as amended, or to the quantitative limitations established by proclamation,”. Clause 5 of Proclamation 9710, as amended, is further amended by inserting the phrase “or quantitative limitations” after the words “ad valorem rates of duty” in the first and second sentences.

(7) Clause 4 of Proclamation 9739 is amended by striking the phrase “as amended by clause 1 of this proclamation,” and inserting in lieu thereof the following phrase: “as amended, or to the quantitative limitations established by proclamation,” in the first sentence. Clause 4 of Proclamation 9739 is further amended by striking the words “by clause 3 of this proclamation” from the second sentence.

(8) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the lower right quadrant of the page.

ANNEX**TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF
THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

A. Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) is modified below, with the material in the new tariff provisions inserted in the columns labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, “Rates of Duty 1-Special,” and “Rates of Duty 2”, respectively. Except as provided in the superior text to subheadings 9903.85.05 and 9903.85.06, the modifications shall be effective for goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on June 1, 2018. Quota amounts are calculated beginning on January 1 of each calendar year, including for calendar year 2018.

1. The following new subdivision (a)(ii) is inserted in numerical sequence in U.S. note 19 to subchapter III:

“(ii) Subheadings 9903.85.05 and 9903.85.06, inclusive, provide the ordinary customs duty and quota treatment of such goods enumerated in subdivision (b) of this note when they are the product of any country enumerated in the superior text thereto and expressly exempt from the scope of heading 9903.85.01, subject to the limitations in subdivision (e) of this note.”

2. The text of subdivisions (b) and (d) of such U.S. note 19 are each modified by deleting “heading 9903.85.01” and by inserting in lieu thereof “heading 9903.85.01 and subheadings 9903.85.05 and 9903.85.06, inclusive,”.

3. The following new subdivision (e) is hereby inserted at the end of such U.S. note 19:

“(e) Subheadings 9903.85.05 and 9903.85.06, inclusive, set forth the ordinary customs duty treatment for the aluminum products (as enumerated in subdivision (b) of this note) of any country enumerated in the superior text to such subheadings, subject to the annual aggregate quantitative limitations proclaimed for these subheadings and as set forth on the Internet site of CBP at the following link: <https://www.cbp.gov/trade/quota>. Beginning on July 1, 2018, imports from any such country in an aggregate quantity under any such subheading during any of the periods January through March, April through June, July through September, or October through December in any year that is in excess of 500,000 kg and in excess of 30 percent of the total aggregate quantity provided for a calendar year for such country, as set forth on the Internet site of CBP, shall not be allowed.”

4. The following new subheadings and superior text thereto are inserted in numerical sequence in subchapter III:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.85.05	Aluminum products of Argentina enumerated in U.S. note 19(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2018 and for any portion thereof as prescribed in such subdivision (e): Unwrought aluminum, provided for in heading 7601...	The duty provided in the applicable subheading	The duty provided in the applicable subheading (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	
9903.85.06	Wrought aluminum, provided for in headings 7604, 7605, 7606, 7607, 7606, 7607, 7608, 7609 and castings and forgings of aluminum provided for in subheading 7616.99.51.....	The duty provided in the applicable subheading	The duty provided in the applicable subheading (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	

B. For the purposes of administering the quantitative limitations applicable to subheadings 9903.85.05 and 9903.85.06 (as created in part A of this annex), the following annual aggregate limits shall apply for the period starting with calendar year 2018 and for subsequent years, unless modified or terminated:

ARGENTINA

Heading/ Subheading	Article description	Quantitative Limitation
9903.85.05	Aluminum products of Argentina enumerated in U.S. note 19(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2018 and for any portion thereof as prescribed in such subdivision (e): Unwrought aluminum, provided for in heading 7601.....	169,658,877 kg
9903.85.06	Wrought aluminum, provided for in headings 7604, 7605, 7606, 7607, 7606, 7607, 7608, 7609 and castings and forgings of aluminum provided for in subheading 7616.99.51.....	11,279,691 kg