
Presidential Documents

Title 3—

Proclamation 9739 of April 30, 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, by imposing a 10 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. 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 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 until May 1, 2018.

4. The United States has 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 imported from these countries. I have determined that the necessary and appropriate means to address the threat to national security posed by imports of aluminum articles from Argentina, Australia, and Brazil is to extend the temporary exemption of these countries from the tariff proclaimed in Proclamation 9704, in order to finalize the details of these satisfactory alternative means to address the threatened impairment to our national security posed by aluminum articles imported from these countries. In my judgment, and

for the reasons I stated in paragraph 10 of Proclamation 9710, these discussions will be most productive if aluminum articles from Argentina, Australia, and Brazil remain exempt from the tariff proclaimed in Proclamation 9704, until the details can be finalized and implemented by proclamation. Because the United States has agreed in principle with these countries, in my judgment, it is unnecessary to set an expiration date for the exemptions. Nevertheless, if the satisfactory alternative means are not finalized shortly, I will consider re-imposing the tariff.

5. The United States is continuing discussions with Canada, Mexico, and the EU. I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from these countries is to continue these discussions and to extend the temporary exemption of these countries from the tariff proclaimed in Proclamation 9704, at least at this time. In my judgment, and for the reasons I stated in paragraph 10 of Proclamation 9710, these discussions will be most productive if aluminum articles from these countries remain exempt from the tariff proclaimed in Proclamation 9704.

6. For the reasons I stated in paragraph 11 of Proclamation 9710, however, the tariff imposed by Proclamation 9704 remains an important first step in ensuring the economic stability of our domestic aluminum industry and removing the threatened impairment of the national security. As a result, unless I determine by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of aluminum articles from Canada, Mexico, and the member countries of the EU, the tariff set forth in clause 2 of Proclamation 9704 shall be effective June 1, 2018, for these countries.

7. I have determined that, in light of the ongoing discussions that may result in long-term exclusions from the tariff proclaimed in Proclamation 9704, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

8. 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.

9. 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) Imports of all aluminum articles from Argentina, Australia, and Brazil shall be exempt from the duty established in clause 2 of Proclamation 9704, as amended by clause 1 of Proclamation 9710. Imports of all aluminum articles from Canada, Mexico, and the member countries of the EU shall be exempt from the duty established in clause 2 of Proclamation 9704 until 12:01 a.m. eastern daylight time on June 1, 2018. Further, clause 2 of Proclamation 9704, as amended by clause 1 of Proclamation 9710, is also 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, Australia, and Brazil. 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) The exemption afforded to aluminum articles from Canada, Mexico, and the member countries of the EU shall apply only to aluminum articles of such countries entered for consumption, or withdrawn from warehouse for consumption, through the close of May 31, 2018, at which time such countries shall be deleted from the article description of heading 9903.85.01 of the HTSUS.

(3) Clause 5 of Proclamation 9710 is amended by inserting the phrase “, except those eligible for admission under “domestic status” as defined in 19 CFR 146.43, which is subject to the duty imposed pursuant to Proclamation 9704, as amended by Proclamation 9710,” after the words “Any aluminum article” in the first and second sentences.

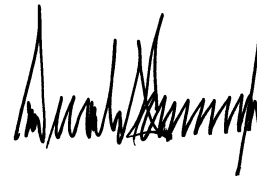
(4) Aluminum articles shall not be subject upon entry for consumption to the duty established in clause 2 of Proclamation 9704, as amended by clause 1 of this proclamation, merely by reason of manufacture in a U.S. foreign trade zone. However, aluminum articles admitted to a U.S. foreign trade zone in “privileged foreign status” pursuant to clause 5 of Proclamation 9710, as amended by clause 3 of this proclamation, shall retain that status consistent with 19 CFR 146.41(e).

(5) No drawback shall be available with respect to the duties imposed on any aluminum article pursuant to Proclamation 9704, as amended by clause 1 of this proclamation.

(6) The Secretary, in consultation with U.S. Customs and Border Protection of the Department of Homeland Security and 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*.

(7) 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 thirtieth day of April, 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 as set forth 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. The modifications made in item 3 of this part 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 May 1, 2018. The modifications made in item 1 to subdivision (a) of U.S. note 19, as well as the modifications made in item 2 of this part, 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 March 23, 2018.

1. The text of subdivision (a) of U.S. note 19 to such subchapter is modified to read as follows:

“This note and the tariff provisions referred to herein set forth the ordinary customs duty treatment applicable to all entries of the aluminum products of all countries other than of the United States, when such aluminum products are classifiable in the headings or subheadings enumerated in subdivision (b) of this note. All anti-dumping or countervailing duties, or other duties and charges applicable to such goods shall continue to be imposed, except as may be expressly provided herein.

- (i) Heading 9903.85.01 provides the ordinary customs duty treatment of aluminum products of all countries other than products of the United States and other than of countries expressly exempt therefrom, pursuant to the article description of such heading. For any such products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in this heading shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable U.S. Customs and Border Protection (“CBP”) regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the aluminum products enumerated in subdivision (b) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.85.01.

2. The text of subdivision (b) of U.S. note 19 is modified by adding below clause (b)(v) the sentence “Any reference above to aluminum products classifiable in any heading or subheading of chapter 76, as the case may be, shall mean that any good provided for in the article description of such heading or subheading and of all its subordinate provisions (both legal and statistical) is covered by the provisions of this note and related tariff provisions.”

3. 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	
9903.85.01	Products of aluminum provided for in the tariff headings or subheadings enumerated in note 19 to this subchapter, except products of Argentina, of Australia, of Brazil, of Canada, of Mexico, or of the member countries of the European Union or any exclusions that may be determined and announced by the Department of Commerce.....	The duty provided in the applicable subheading + 10%	The duty provided in the applicable subheading + 10% (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	The duty provided in the applicable subheading + 10%