



ADJUSTING IMPORTS OF ALUMINUM INTO THE UNITED STATES

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to the President a report on the Secretary's 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). The Secretary found and advised the President of his opinion 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.

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), the President 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 by imposing a 10 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. Proclamation 9704 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 the President determines that imports from that country no longer threaten to impair the national security, the President 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), the President noted the continuing discussions with the European Union (EU) on behalf of its member countries on satisfactory alternative means to address the threatened impairment to the national security by aluminum articles imported from the EU. Recognizing that the EU has an important security relationship with the United States, the President determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from the member countries of the EU 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. In Proclamation 9739 of

April 30, 2018 (Adjusting Imports of Aluminum Into the United States), the President noted that, unless the President determines 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 the member countries of the EU, the tariff proclaimed in Proclamation 9704 shall be effective June 1, 2018, for these countries.

4. The United States has successfully concluded discussions with the EU on behalf of its member countries on satisfactory alternative means to address the threatened impairment of the national security posed by aluminum articles imports from the EU. The United States and the EU have agreed to expand coordination involving trade remedies and customs matters, monitor bilateral steel and aluminum trade, cooperate on addressing non-market excess capacity, and annually review their arrangement and their ongoing cooperation. In addition, the United States and the EU will seek to conclude, by October 31, 2023, negotiations on global steel and aluminum arrangements to restore market-oriented conditions and support the reduction of carbon intensity of steel and aluminum across modes of production.

5. The United States will implement a number of actions, including a tariff-rate quota that restricts the quantity of aluminum articles imported into the United States from the EU

without the application of the tariff proclaimed in Proclamation 9704. Under the arrangement, aluminum articles that are accompanied by a certificate of analysis are eligible for in-quota treatment. In my judgment, these measures will provide an effective, long-term alternative means to address any contribution by EU aluminum articles imports to the threatened impairment to the national security by restraining aluminum articles imports to the United States from the EU, limiting transshipment, and discouraging excess aluminum capacity and production. In light of this agreement, I have determined that specified volumes of eligible aluminum articles imports from the EU will no longer threaten to impair the national security and have decided to exclude such imports from the EU up to a designated quota from the tariff proclaimed in Proclamation 9704 through December 31, 2023. The United States will monitor the implementation and effectiveness of the tariff-rate quota and other measures agreed upon with the EU in addressing our national security needs, and I may revisit this determination, as appropriate.

6. The alternative means, including the tariff-rate quota, align with the recommendations specified in the Secretary's report assessing the effect of imports of aluminum articles on the national security of the United States under section 232. The agreed-upon aggregate tariff-rate quota volume, totaling 18,000 metric tons of unwrought aluminum and 366,040 metric tons

of semi-finished wrought aluminum, is consistent with the objective of reaching and sustaining a sufficient capacity utilization rate in the domestic aluminum industry.

7. In light of my determination to adjust the tariff proclaimed in Proclamation 9704 as applied to eligible aluminum articles imports from the EU, 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 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, JOSEPH R. BIDEN JR., 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) To establish a tariff-rate quota on imports of aluminum articles from member countries of the EU as described in paragraph 5 of this proclamation, U.S. note 19 to subchapter III of chapter 99 of the HTSUS is amended as provided for in the Annex to this proclamation. Imports of aluminum articles from member countries of the EU in excess of the tariff-rate quota quantities shall remain subject to the duties imposed by clause 2 of Proclamation 9704, as amended. The Secretary, in consultation with the United States Trade Representative and the Secretary of Homeland Security, shall recommend to the President, as warranted, updates to the in-quota volumes contained in the Annex to this proclamation. Aluminum articles from a member country of the EU imported under an exclusion granted pursuant to clause 3 of Proclamation 9704, as amended, shall count against the in-quota volume of the tariff-rate quota established in clause 1 of this proclamation.

(2) Clause 2 of Proclamation 9704, as amended, is further amended in the second sentence by deleting "and" before "(g)" and inserting before the period at the end: ", and (h) on or after 12:01 a.m. eastern standard time on January 1, 2022, from all countries except Argentina, Australia, Canada, Mexico, and

except the member countries of the European Union through 11:59 p.m. eastern standard time on December 31, 2023, for aluminum articles covered by headings 9903.85.25 through 9903.85.44, inclusive."

(3) Aluminum articles eligible for treatment under clause 1 of this proclamation must be accompanied by a certificate of analysis in order to receive such treatment. The Secretary, in consultation with the Secretary of Homeland Security and the United States Trade Representative, is authorized to take such actions as are necessary to ensure compliance with this requirement. Failure to comply could result in applicable remedies or penalties under United States law.

(4) The modifications made by clauses 1 through 3 of this proclamation and the Annex to this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 1, 2022, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(5) Any imports of aluminum articles from the member countries of the EU that were admitted into a United States foreign trade zone in "privileged foreign status" as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern standard time on January 1, 2022, shall be subject upon entry for consumption made on or after 12:01 a.m. eastern standard time on January 1,

2022, to the provisions of the tariff-rate quota in effect at the time of the entry for consumption.

(6) 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 twenty-seventh day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

ANNEX

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

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 1, 2022, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new tariff provision, 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:

1. U.S. note 19 to such subchapter III is modified by adding the following new subdivision 19(a)(v):

“(v) Subheadings 9903.85.25 through 9903.85.44, inclusive, set forth the ordinary customs duty treatment for the aluminum products (as enumerated in subdivision (b) of this note) of any member country of the European Union enumerated in this subdivision. Subheadings 9903.85.27 through 9903.85.44 shall be subject to any aggregate annual quantity established for each such subheading, including any allocations or other limitations that may be announced, in addition to the aggregate annual quantity set forth in the superior text to any such subheading, all as set forth on the Internet site of the Department of Commerce at the following link: [<https://bis.doc.gov/232-aluminum>]. No such country shall be allowed to import an aggregate quantity under any such subheading during any of the periods January through June, or July through December in any year that is in excess of the quantity that is allocated to such country by the Department of Commerce, as set forth on the Internet site of such Department as noted herein. No more than 60 percent of the tariff-rate quota to be filled in the first half of the year. Entries of any product of any such member country under heading 9903.85.25, when such product is described in an exclusion granted by the Department of Commerce shall be eligible to utilize such exclusion upon proper claim therefor, and such entries shall be counted against any annual aggregate quantitative limitation provided under this subdivision. No claim for entry under any provision of chapter 98 or of subchapter II of chapter 99 shall be allowed to reduce or prevent the application of an additional duty provided for under this note.

The member countries of the European Union that are covered by this subdivision and by heading 9903.85.03 and subheadings 9903.85.25 through 9903.85.44 shall include the following: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia (Czech Republic), Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.”

2. Note 19(d) is modified by inserting after “9903.85.11” the phrase “and subheadings 9903.85.25 through 9903.85.44”.

3. The article description of heading 9903.85.01 is modified by deleting “heading 9903.85.21” and inserting in lieu thereof “headings 9903.85.21, 9903.85.25, and subheadings 9903.85.27 through 9903.85.44”; and by inserting after “of Mexico” the phrase “; of member countries of the European

Union specified in subdivision (a)(v) of such U.S. note 19, under any limitations that may be established by the Department of Commerce under such U.S. note 19;”.

4. The article description of heading 9903.85.03 is modified by adding after “of Mexico,” the phrase “of member countries of the European Union (as enumerated in U.S. note 19(a)(v) to this subchapter”.

5. The following new provisions and applicable superior text are inserted in such subchapter III in numerical sequence, with the material inserted in the columns entitled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.85.25	Aluminum products of member countries of the European Union enumerated in U.S. note 19(a)(v) to this subchapter, when such products are covered by an exclusion granted by the Secretary of Commerce under note 19(c) to this subchapter, provided that such goods shall be counted toward any quantitative limitation applicable to any such product until such limitation has filled..... .	The duty provided in the applicable subheading		
9903.85.27	Aluminum products of member countries of the European Union enumerated in U.S. note 19(a)(v) to this subchapter and not described in heading 9903.85.25 to this subchapter, when entered in annual aggregate quantities not to exceed the quantities specified pursuant to such U.S. note 19: Unwrought aluminum products specified in U.S. note 19(b)(i) to this subchapter: Unwrought aluminum, not alloyed (provided for in subheading 7601.10.30 or 601.10.60)			
9903.85.29	Other unwrought products, alloyed (provided for in subheading 7601.20.30, 7601.20.60 or 7601.20.90)			
9903.85.31	Other aluminum products, specified in U.S. note 19(b)(ii) through 19(b)(v) to this subchapter: Bars, rods and profiles of aluminum, not alloyed (provided for in subheading 7604.10.10,			

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
	7604.10.30 or 7604.10.50)	The duty provided in the applicable subheading		
9903.85.32	Hollow profiles of aluminum alloys (provided for in subheading 7604.21.00)	The duty provided in the applicable subheading		
9903.85.33	Bars, rods, and solid profiles, alloyed (provided for in subheading 7604.29.10, 7604.29.30 or 7604.29.50)	The duty provided in the applicable subheading		
9903.85.34	Wire of aluminum, of which the maximum cross-sectional dimension exceeds 7 mm (provided for in subheading 7605.11.00 or 7605.21.00)	The duty provided in the applicable subheading		
9903.85.35	Other wire of aluminum (provided for in subheading 7605.19.00 or 7605.29.00)	The duty provided in the applicable subheading		
9903.85.36	Products meeting the requirements of note 1(d) to this chapter and with a thickness of more than 6.3 mm (described in statistical reporting number 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.91.3055, 7606.91.6055, 7606.92.3025 or 7606.92.6055)	The duty provided in the applicable subheading		
9903.85.37	Products meeting the requirements of note 1(d) to this chapter and with a thickness not exceeding 6.3 mm (described in			

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
	statistical reporting number 7606.11.3060, 7606.12.3091, 7606.12.3096, 7606.91.3095, 7606.91.6095, 7606.92.3035 or 7606.92.6095), and clad products (described in statistical reporting number 7606.11.6000 or 7606.12.6000)	The duty provided in the applicable subheading		
9903.85.38	Aluminum alloy can stock (described in statistical reporting number 7606.12.3045 or 7606.12.3055)	The duty provided in the applicable subheading		
9903.85.39	Aluminum foil, not backed (described in statistical reporting number 7607.11.3000, 7607.11.6010, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, 7607.19.1000, 7607.19.3000 or 7607.19.6000)	The duty provided in the applicable subheading		
9903.85.40	Aluminum foil, backed (described in statistical reporting number 7607.20.1000 or 7607.20.5000)	The duty provided in the applicable subheading		
9903.85.41	Pipes and tubes of aluminum, seamless (described in statistical reporting number 7608.10.0030 or 7608.20.0030)	The duty provided in the applicable subheading		
9903.85.42	Pipes and tubes of aluminum, other than seamless (described in statistical reporting number 7608.10.0090 or 7608.20.0090)	The duty provided in the applicable subheading		
9903.85.43	Tube or pipe fittings of aluminum (for example, couplings, elbows, sleeves) (described in statistical reporting number			

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
9903.85.44	7609.00.0000)	The duty provided in the applicable subheading		
	Castings or forgings of aluminum (described in statistical reporting number 7616.99.5160 or 7616.99.5170)	The duty provided in the applicable subheading"		