



DECLARATION OF EMERGENCY AND AUTHORIZATION FOR TEMPORARY
DUTY-FREE IMPORTATION OF PHOSPHATE FERTILIZER FROM MOROCCO
11038

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. Fertilizers are an essential component of agriculture and food production. Producers of corn, soybeans, wheat, and a variety of other crops need phosphate fertilizers to ensure strong crop yields to feed the population. Food production is critical to human health, farm security, and to the function of major sectors of the economy, and even isolated interruptions in food production can have serious health and economic consequences. Robust and reliable food production is therefore critical to the economic and national security of the United States.

2. During the planting and growing season, soil and crops require critical nutrients, including the phosphorus supplied by phosphate fertilizers, and in the coming months, farmers will apply more than half of annually consumed phosphate fertilizers between the fall and very early spring prior to next spring's planting. To ensure a stable food supply, predictable and timely sources of phosphate fertilizer must be procured to meet United States demand, which requires adequate supply of phosphate fertilizer, a critical type of plant food.

3. Global supply chains for phosphate fertilizer and fertilizer inputs, including imports of such products into the United States, have been disrupted in recent months by, among other things, conflicts in fertilizer-producing regions as well as trade actions taken by major fertilizer-producing countries. For example, the United States' largest foreign source of phosphate fertilizer has experienced supply chain

disruption, placing additional pressure on the farm economy and the production of certain categories of domestic food.

Persistent threats to the global fertilizer supply chain, which create rapid price increases and procurement challenges, require the United States to procure phosphate fertilizer from diversified foreign sources to mitigate the significant risk of harm to the agricultural food production of the United States.

4. Currently, United States production of phosphate fertilizer is insufficient to support domestic agricultural food production after accounting for exports. The Federal Government is working with the private sector to expand domestic fertilizer manufacturing capacity, but those efforts will take time to increase the supply materially. Immediate action is necessary and appropriate to ensure in the interim that United States farmers have access to a sufficient and timely supply of phosphate fertilizers during the planting and growing season, to ensure a stable domestic crop supply, and to meet our food production needs.

5. Producers in countries such as the Kingdom of Morocco can supply phosphate fertilizers to the United States without disruption at this time. It is imperative to immediately facilitate importation of phosphate fertilizers from the Kingdom of Morocco to mitigate the significant risk to the agricultural food production of the United States, to safeguard the economic and national security of the United States, and to ensure a stable domestic food supply.

6. Section 318(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1318(a)) (section 318), authorizes the President to declare an emergency for a reason described in section 318(a) and to authorize the Secretary of the Treasury and the Secretary of Commerce, as appropriate and consistent with applicable law,

to permit, during the continuance of such emergency, the importation free of duty of food, clothing, and medical, surgical, and other supplies for use in emergency relief work.

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, including section 318 of the Tariff Act of 1930, as amended, and section 301 of title 3, United States Code, do hereby declare an emergency to exist with respect to the threats to the availability of sufficient supplies of fertilizers to meet expected agricultural demand. Pursuant to this declaration, I hereby direct as follows:

(1) To provide additional authority to the Secretary of the Treasury and the Secretary of Commerce to respond to the emergency declared in this proclamation, the authority under section 318 is invoked and made available, according to its terms, to the Secretary of the Treasury and the Secretary of Commerce. The Secretary of the Treasury and the Secretary of Commerce shall, when appropriate, consult with each other before exercising the authority under section 318.

(2) To provide relief from the emergency declared in this proclamation, the Secretary of the Treasury and the Secretary of Commerce, after consultation with the Secretary of Homeland Security, shall take appropriate action within their respective authorities under section 318 to permit until the earlier of 8 months after the date of this proclamation or the termination of the emergency declared in this proclamation, under such regulations and under such conditions as the Secretary of the Treasury and the Secretary of Commerce may use or prescribe, the importation, free of the collection of duties and deposits of estimated duties, if applicable, under sections 1671, 1675, and

1677j of title 19, United States Code, of phosphate fertilizers of the Kingdom of Morocco, and to temporarily extend during such 8-month period or the course of the emergency, as applicable, the time therein prescribed for the performance of any act related to such imports.

(3) Pursuant to section 318, the Secretary of the Treasury and the Secretary of Commerce, in consultation with any senior official they deem appropriate, shall monitor and review the status of circumstances related to the emergency declared in this proclamation. The Secretary of the Treasury and the Secretary of Commerce shall also inform the President of any circumstance that, in their opinion, might indicate the need for further action by the President, including under section 318.

(4) The Secretary of the Treasury or the Secretary of Commerce, when appropriate, shall report to the Congress any action taken under the provisions of section 318.

(5) Any provision of previous proclamations and Executive Orders that is inconsistent with this proclamation is superseded to the extent of such inconsistency. If any provision of this proclamation or the application of any provision to any individual or circumstance is held to be invalid, the remainder of this proclamation and the application of its provisions to any other individuals or circumstances shall not be affected.

(6) (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of June, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fiftieth.

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