
Presidential Documents

Title 3—

Proclamation 10588 of May 31, 2023

The President

Adjusting Imports of Steel Into the United States

By the President of the United States of America

A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to the President a report on the Secretary's investigation into the effect of imports of steel mill articles (steel 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 steel 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 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), the President concurred in the Secretary's finding that steel articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States), 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 those steel articles by imposing a 25 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. The proclamation 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 steel 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 10403 of May 27, 2022 (Adjusting Imports of Steel Into the United States), I suspended the tariffs set forth in Proclamation 9705 for the import of steel articles and derivative steel articles from Ukraine for 1 year. I also instructed the Secretary to monitor the situation in the domestic steel industry and developments in Ukraine's steel industry and inform me of any need to terminate or extend this suspension.

4. The Secretary has informed me that the situation with regard to Ukraine's steel industry has not changed since the issuance of Proclamation 10403. Ukraine's steel industry continues to be significantly disrupted by the Russian Federation's unjustified, unprovoked, unyielding, and unconscionable war against Ukraine. The significant disruption in Ukraine's steel production has decreased the total amount of steel produced by Ukraine. While the amount of steel imported into the United States from Ukraine increased slightly in 2022 compared to 2021, it is still below the average import volume prior to 2021, and in 2022 it accounted for less than 1 percent of all steel imports into the United States. At the same time, the steel industry has been historically important to Ukraine, and both the United States and Ukraine have an interest in maintaining that industry as an economic lifeline while the country recovers. The Secretary has also informed

me that the United States and Ukraine continue to be engaged in broad security discussions. The current disruption of Ukrainian steel production has been part of those discussions, and the ongoing discussion is anticipated to include alternative measures to prevent imports of steel from Ukraine from threatening the national security of the United States as Ukraine's steel production recovers from the significant disruption caused by the war.

5. The Secretary has also informed me that the disruption of the Ukrainian steel industry has caused some steel articles from Ukraine to be further processed in countries that are members of the European Union. Expanding the scope of Proclamation 10403 to include the suspension of the tariffs on products from the European Union made from steel originating in Ukraine will greatly assist the Ukrainian steel industry. A certificate of origin attesting to the Ukrainian origin of the steel articles further processed in a member country of the European Union shall be required for duty-free treatment.

6. In light of the Secretary's findings, I conclude that Ukraine's present situation remains a special case and that an extension of the suspension of tariffs in Proclamation 10403 and the inclusion of steel articles from Ukraine further processed in a member country of the European Union is warranted. The Secretary shall continue to monitor the situation in the domestic steel industry and developments in Ukraine's steel industry and inform me of any need to terminate or extend this suspension.

7. In light of my determination to adjust the tariff proclaimed in Proclamation 9705 as applied to eligible steel articles and derivative steel articles that are the product of Ukraine, 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 products of other countries. I have determined that it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to products of other countries.

8. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to take action 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 duty-free treatment on imports of steel articles when such are the products of Ukraine as set forth in clauses 2 and 3 of this proclamation, U.S. Note 16 of subchapter III of chapter 99 of the HTSUS is amended as provided for in the Annex to this proclamation.

(2) Clause 2 of Proclamation 9705, as amended, is revised to read as follows:

“(2)(a) In order to establish certain modifications to the duty rate on imports of steel articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation and any subsequent proclamations regarding such steel articles.

(b) Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports covered by heading 9903.80.01, in subchapter III of chapter 99 of the HTSUS, shall be subject to an additional 25 percent ad valorem rate

of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (i) 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; (ii) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina, Australia, Brazil, and South Korea; (iii) on or after 12:01 a.m. eastern daylight time on August 13, 2018, from all countries except Argentina, Australia, Brazil, South Korea, and Turkey; (iv) on or after 12:01 a.m. eastern daylight time on May 20, 2019, from all countries except Argentina, Australia, Brazil, South Korea, and Turkey; (v) on or after 12:01 a.m. eastern daylight time on May 21, 2019, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea; (vi) on or after 12:01 a.m. eastern standard time on January 1, 2022, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea, and except the member countries of the European Union through 11:59 p.m. eastern standard time on December 31, 2023, for steel articles covered by headings 9903.80.65 through 9903.81.19, inclusive; (vii) on or after 12:01 a.m. eastern daylight time on April 1, 2022, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea, and except the member countries of the European Union through 11:59 p.m. eastern standard time on December 31, 2023, for steel articles covered by headings 9903.80.65 through 9903.81.19, inclusive, and from Japan, for steel articles covered by headings 9903.81.25 through 9903.81.80, inclusive; (viii) on or after 12:01 a.m. eastern daylight time on June 1, 2022, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and Ukraine through 11:59 p.m. eastern daylight time on June 1, 2023, and except the member countries of the European Union through 11:59 p.m. eastern standard time on December 31, 2023, for steel articles covered by headings 9903.80.65 through 9903.81.19, inclusive, and from Japan and the United Kingdom (UK), for steel articles covered by subheadings 9903.81.25 through 9903.81.78 and heading 9903.81.80, and from the member countries of the European Union, for steel articles covered by heading 9903.81.81; and (ix) on or after 12:01 a.m. eastern daylight time on June 1, 2023, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and Ukraine through 11:59 p.m. eastern daylight time on June 1, 2024, and except the member countries of the European Union through 11:59 p.m. eastern standard time on December 31, 2023, for steel articles covered by headings 9903.80.65 through 9903.81.19, inclusive, and from Japan and the UK, for steel articles covered by subheadings 9903.81.25 through 9903.81.78 and heading 9903.81.80, and from the member countries of the European Union, for steel articles covered by heading 9903.81.81, and from the member countries of the European Union where the steel used in the manufacture of the steel article is melted and poured in Ukraine through 11:59 p.m. eastern daylight time on June 1, 2024. Further, except as otherwise provided in notices published pursuant to clause 3 of this proclamation, all steel articles imports from Turkey covered by heading 9903.80.02, in subchapter III of chapter 99 of the HTSUS, shall be subject to a 50 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 13, 2018, and prior to 12:01 a.m. eastern daylight time on May 21, 2019. All steel articles imports covered by heading 9903.80.61, in subchapter III of chapter 99 of the HTSUS, shall be subject to the additional 25 percent ad valorem rate of duty established herein with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on the date specified in a determination by the Secretary granting relief. These rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from each country as specified in the preceding three sentences”.

(3) The first two sentences of clause 1 of Proclamation 9980 of January 24, 2020 (Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States), are revised to read as follows:

“In order to establish increases in the duty rate on imports of certain derivative articles, subchapter III of chapter 99 of the HTSUS is modified as provided in Annex I and Annex II to this proclamation. Except as otherwise provided in this proclamation, all imports of derivative aluminum articles specified in Annex I to this proclamation shall be subject to an additional 10 percent ad valorem rate of duty, and all imports of derivative steel articles specified in Annex II to this proclamation shall be subject to an additional 25 percent ad valorem rate of duty, with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (i) on or after 12:01 a.m. eastern standard time on February 8, 2020, these rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, the Commonwealth of Australia (Australia), Canada, and the United Mexican States (Mexico), and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea; (ii) on or after 12:01 a.m. eastern standard time on January 1, 2022, these rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, Australia, Canada, the member countries of the European Union, and Mexico, and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, the member countries of the European Union, Mexico, and South Korea; (iii) on or after 12:01 a.m. eastern daylight time on April 1, 2022, these rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, Australia, Canada, the member countries of the European Union, and Mexico, and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, the member countries of the European Union, Japan, Mexico, and South Korea; (iv) on or after 12:01 a.m. eastern daylight time on June 1, 2022, these rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, Australia, Canada, the member countries of the European Union, Mexico, and the UK, and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, the member countries of the European Union, Japan, Mexico, South Korea, and the UK, and except from Ukraine through 11:59 p.m. eastern daylight time on June 1, 2023; (v) on or after 12:01 a.m. eastern standard time on March 10, 2023, these rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, Australia, Canada, the member countries of the European Union, Mexico, the UK, and Russia, and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, the member countries of the European Union, Japan, Mexico, South Korea, and the UK, and except from Ukraine through 11:59 p.m. eastern daylight time on June 1, 2023; and (vi) on or after 12:01 a.m. eastern daylight time on June 1, 2023, these rates of duty, which are in addition to any

other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, Australia, Canada, the member countries of the European Union, Mexico, the UK, and Russia, and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, the member countries of the European Union, Japan, Mexico, South Korea, and the UK, and except from Ukraine through 11:59 p.m. eastern daylight time on June 1, 2024.”

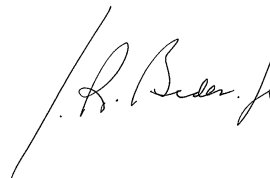
(4) Any imports of steel articles from Ukraine that were admitted into a U.S. foreign trade zone under “privileged foreign status” as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on June 1, 2022, shall be subject upon entry for consumption made on or after 12:01 a.m. eastern daylight time on June 1, 2022, to the 25 percent rate of duty imposed by Proclamation 9705, as amended; and any imports of steel articles from the member countries of the European Union where the steel used in the manufacture of the steel article is melted and poured in Ukraine that were admitted into a U.S. foreign trade zone under “privileged foreign status” as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on June 1, 2023, shall be subject upon entry for consumption made on or after 12:01 a.m. eastern daylight time on June 1, 2023, to the 25 percent rate of duty imposed by Proclamation 9705, as amended.

(5) Steel articles from a member country of the European Union where the steel used in the manufacture of the steel article is melted and poured in Ukraine are not eligible for, and shall not count against, the in-quota volume of the tariff-rate quota established in clause 1 of Proclamation 10328 of December 27, 2021 (Adjusting Imports of Steel Into the United States).

(6) Steel articles from Ukraine eligible for treatment under clauses 2 and 3 of this proclamation must be accompanied by a certificate of origin in order to be eligible for duty-free 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 such as the collection of the tariff set forth in clause 2 of Proclamation 9705 and clause 1 of Proclamation 9980, or penalties under United States law.

(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 thirty-first day of May, in the year of our Lord two thousand twenty-three, and of the Independence of the United States of America the two hundred and forty-seventh.

A handwritten signature in black ink, appearing to read "Joe Biden", written in a cursive style.

Annex

**Modifications to Chapter 99 of the Harmonized Tariff Schedule
of the United States**

Section A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on June 1, 2023, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (“HTS”) is hereby modified as follows:

1. Subdivision (a) of U.S. note 16 to such subchapter I is modified by revising the final sentence to read: “Unless otherwise provided in this note, iron or steel products covered by subdivision (b) of this note that are the product of Ukraine and, if entered on or after June 1, 2023, are accompanied by a certificate of origin upon entry into the customs territory of the United States, shall be exempt from the duty provided for in heading 9903.80.01 entered for consumption during the period from 12:01 a.m. eastern daylight time on June 1, 2022, through 11:59 p.m. eastern daylight time on June 1, 2024, and iron or steel products covered by subdivision (b) of this note that are the product of a member country of the European Union where the steel used in the manufacture of the steel articles is melted and poured in Ukraine shall be exempt from the duty provided for in heading 9903.80.01 entered for consumption during the period from 12:01 a.m. eastern daylight time on June 1, 2023 through 11:59 p.m. eastern daylight time on June 1, 2024.”
2. Subdivision (a)(ii) of such U.S. note 16 is modified by inserting after “therefrom” in the first sentence of such subdivision the phrase “, other than products of Ukraine that are accompanied by certificates of origin (if entered on or after June 1, 2023) and are entered for consumption during the period from 12:01 a.m. eastern daylight time on June 1, 2022, through 11:59 p.m. eastern daylight time on June 1, 2024,”.
3. The following new heading is inserted in numerical sequence in such subchapter III, with the material inserted in the columns entitled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1 General”, respectively:

| | | | |
|-------------|---|-----------------|---|
| “9903.81.82 | : Iron or steel products described in subdivision | : | : |
| | : (b) of note 16 to this subchapter that are | : | : |
| | : melted and poured in Ukraine and are | : | : |
| | : products of the member countries of the | : | : |
| | : European Union enumerated in U.S. note | : | : |
| | : 16(f) to this subchapter..... | : Free | : |
| | : | : | : |
| 9903.81.83 | : Iron or steel products described in subdivision | : | : |
| | : (b) of note 16 to this subchapter, when such | : | : |
| | : are products of Ukraine and are not | : | : |
| | : accompanied by certificates of origin..... | : The duty pro- | : |
| | : | : vided in the | : |
| | : | : applicable | : |

| | | | | | | |
|------------|---|---|---|---------------|---|---|
| | : | | : | subheading + | : | : |
| | : | | : | 25% | : | : |
| 9903.81.84 | : | Derivative iron or steel products enumerated | : | | : | : |
| | : | in note 16(a)(ii) to this subchapter, when such | : | | : | : |
| | : | goods are products of Ukraine and are not | : | | : | : |
| | : | accompanied by certificates of origin..... | : | The duty pro- | : | : |
| | : | | : | vided in the | : | : |
| | : | | : | applicable | : | : |
| | : | | : | subheading + | : | : |
| | : | | : | 25%" | : | : |