

BIS Decision Document – Expedited Brazil Steel Quantitative Limitation Exclusion Request

EXCLUSION REQUEST NUMBER: STL750002

Summary:

- Requester: American Heavy Plates
- Date of Request: 10/13/2020
- Quantity Approved: 20,000,000 kg
- Chief Executive Officer: Robert Schaal
- Chief Legal Officer: Stacey J. Ettinger

Analysis:

The Bureau of Industry and Security (“BIS”) has received a request, referenced above and attached, to exclude certain steel articles from the quantitative limitations initially set forth by the President in Proclamation 9740 of April 30, 2018 and Proclamation 9759 of May 31, 2018 and their accompanying annexes, in exercise of his authority to adjust imports under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

Clause 2 of Proclamation 10064 of August 28, 2020 directed the Secretary of Commerce to grant expedited relief from the quantitative limitations applicable to subheading 9903.80.57 of subchapter III of chapter 99 of the HTSUS for Brazil set forth in Proclamation 9740 and Proclamation 9759 and their accompanying annexes for any steel article where: (i) the party requesting relief entered into a contract or other written agreement for the production and shipment of such steel article before August 28, 2020; (ii) such agreement specifies the quantity of such steel article that is to be produced and shipped to the United States prior to December 31, 2020; (iii) such steel article is to be used in production activities in the United States and such steel article cannot be procured from another supplier to meet the delivery schedule and specifications contained in such agreement; and (iv) lack of relief from the quantitative limitation on such steel article would significantly disrupt the production activity in the United States for which the steel article specified in such agreement is intended. The Secretary of Commerce was directed to provide such relief only upon receipt of a sworn statement signed by the chief executive officer and the chief legal officer of the party requesting relief, attesting that (i) the steel article for which relief is sought and the associated contract or other written agreement meet the criteria for relief set forth in Clause 2 of Proclamation 10064; (ii) the party requesting relief will accurately report to U.S. Customs and Border Protection (CBP), in the manner that CBP prescribes, the quantity of steel articles entered for consumption, or withdrawn from warehouse for consumption, pursuant to any grant of relief; and (iii) the quantity of steel articles entered pursuant to a grant of relief will not exceed the quantity for which the Secretary has granted relief.

The above-captioned request for relief (“exclusion request”) has satisfied the criteria in Clause 2 of Proclamation 10064, and is accompanied by a sworn statement from the requester’s chief executive officer and chief legal officer meeting the requirements laid out in Clause 3 of Proclamation 10064.

