

## ANNEX

### TO MODIFY CERTAIN PROVISIONS OF 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**Section A.** Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on March 10, 2023, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (“HTSUS”) is hereby modified as follows:

1. The following new subdivision (vii) is inserted at the end of U.S. note 19(a) to subchapter III of chapter 99 of the HTSUS:

“(vii)(A) Heading 9903.85.67 and 9903.85.69 provides the ordinary duty treatment of aluminum articles that are products of Russia, as enumerated in subdivision (b) of this note. For any such goods 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 such 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 9903.85.67 or 9903.85.69.

(B) Heading 9903.85.68 and 9903.85.70 provides the ordinary duty treatment of derivative aluminum articles that are the product of Russia, as enumerated in subdivision (a)(iii) of this note. 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 these headings 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 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 9903.85.68 or 9903.85.70.”

2. The first sentence of U.S. note 19(c) to subchapter III is modified by deleting “and 9903.85.21” and inserting “, 9903.85.21, and 9903.85.67 through 9903.85.70” in lieu thereof.

3. The first sentence of U.S. note 19(d) to subchapter III is modified by deleting “or heading 9903.85.21” and inserting “, heading 9903.85.21, or headings 9903.85.67 through 9903.85.70” in lieu thereof; and such sentence is further modified by deleting “and 9903.85.06” and by inserting after “heading 9903.85.21” the language “or headings 9903.85.67 through 9903.85.70”.

4. The following new heading is inserted in numerical sequence in such subchapter III, with the material inserted in the HTSUS columns entitled “Heading/Subheading”, “Article Description”, “Rates of Duty 1 General”, “Rates of Duty 1 Special” and “Rates of Duty 2”, respectively:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
“9903.85.67	Aluminum articles that are the product of Russia, the foregoing under the terms of note 19(a)(vii)(A) to this subchapter and provided for in the tariff headings or subheadings enumerated in note 19(b) to this subchapter, except any exclusions that may be determined and announced by the Department of Commerce .....	The duty provided in the applicable subheading + 200%	The duty provided in the applicable subheading + 200% (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	The duty provided in the applicable subheading + 200%
9903.85.68	Derivative aluminum articles that are products of Russia, when such derivative articles are provided for in the headings or subheadings enumerated in note 19(a)(iii) to this chapter, except any exclusions that may be determined and announced by the Department of Commerce.....	The duty provided in the applicable subheading + 200%	The duty provided in the applicable subheading + 200% (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	The duty provided in the applicable subheading + 200%
9903.85.69	Except for goods provided for in heading 9903.85.67,			

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	aluminum articles that are the product of Russia, the foregoing under the terms of note 19(a)(vii)(A) to this subchapter and provided for in the tariff headings or subheadings enumerated in note 19(b) to this subchapter, 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 standard time on March 10, 2023, except any exclusions that may be determined and announced by the Department of Commerce .....	The duty provided in the applicable subheading + 200%	The duty provided in the applicable subheading + 200% (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	The duty provided in the applicable subheading + 200%
9903.85.70	Except for goods provided for in heading 9903.85.68, derivative aluminum articles that are products of Russia, when such derivative articles are provided for in the headings or subheadings enumerated in note 19(a)(iii) to this chapter, 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 standard time on March 10, 2023, except any exclusions that may be determined and announced by the Department of Commerce.....	The duty provided in the applicable subheading + 200%	The duty provided in the applicable subheading + 200% (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	The duty provided in the applicable subheading + 200%”

**Section B.** 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 April 10, 2023, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (“HTSUS”) is hereby modified as follows:

1. Note 19(a)(vii)(A) is modified by adding in the first sentence after the comma the following phrase: “or where any amount of primary aluminum used in the manufacture of the aluminum articles is smelted in Russia, or where the aluminum articles are cast in Russia,”.
2. Note 19(a)(vii)(B) is modified by adding in the first sentence after the comma the following phrase: “or where any amount of primary aluminum used in the manufacture of the derivative aluminum articles is smelted in Russia, or where the derivative aluminum articles are cast in Russia,”.
3. Note 19(a)(vii)(A) and (B) are each modified by adding at the end thereof the following new sentences: “All shipments of any article that is otherwise eligible to be entered under a provision that is subject to quantitative limitations, and where any amount of primary aluminum used in the manufacture of the article is smelted in Russia, or the articles are cast in Russia, shall be entered under headings 9903.85.67 through 9903.85.70. Except as otherwise provided in this subdivision, the duty provided in these headings shall be collected on the full value of the article that contains primary aluminum smelted in Russia, or contains articles cast in Russia.”
4. The first sentence of U.S. note 19(d) to subchapter III is modified by deleting “or heading 9903.85.21” and inserting “, heading 9903.85.21, or headings 9903.85.67 through 9903.85.70 ” in lieu thereof; and such sentence is further modified by deleting “and 9903.85.06” and by inserting after “heading 9903.85.21” the language “or headings 9903.85.67 through 9903.85.70, inclusive,”.
5. The article description of headings 9903.85.67 and 9903.85.69 are each modified by inserting after “of Russia” the phrase “, or where any amount of primary aluminum used in the manufacture of the aluminum articles is smelted in Russia, or where the aluminum articles are cast in Russia,”.
6. The article description of headings 9903.85.68 and 9903.85.70 are each modified by inserting after “of Russia” the phrase “, or where any amount of primary aluminum used in the manufacture of the derivative aluminum articles is smelted in Russia, or where the derivative aluminum articles are cast in Russia,”.
7. The article description of headings 9903.85.69 and 9903.85.70 are each modified by deleting the phrase “prior to 12:01 a.m. eastern standard time on March 10, 2023” and inserting in its place the phrase “prior to 12:01 a.m. eastern standard time on April 10, 2023”.