

Proclamation 6309 of June 26, 1991

## To Modify Duty-Free Treatment Under the Generalized System of Preferences

*By the President of the United States of America*  
*A Proclamation*

1. Pursuant to section 504(c) of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2464(c)), beneficiary developing countries, except those designated as least-developed beneficiary developing countries pursuant to section 504(c)(6) of the 1974 Act, are subject to limitations on the preferential treatment afforded under the Generalized System of Preferences (GSP). Pursuant to section 504(c)(3) of the 1974 Act, the President may waive the application of section 504(c) of the 1974 Act with respect to any eligible article if the President determines, based on the considerations described in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)) and advice from the United States International Trade Commission (USITC), that such waiver is in the national economic interest of the United States. Further, pursuant to section 504(c)(5) of the 1974 Act, a country that is no longer treated as a beneficiary developing country with respect to an eligible article by reason of section 504(c) of the 1974 Act may be redesignated as a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the limitations in section 504(c)(1) (after application of paragraph (c)(2)) during the preceding calendar year.

2. Pursuant to subsection 504(c)(3) of the 1974 Act, I have determined that it is appropriate to waive the application of section 504(c) of the 1974 Act with respect to certain eligible articles from certain beneficiary developing countries. I have received the advice of the USITC on whether any industries in the United States are likely to be adversely affected by such waivers, and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) of the 1974 Act, as amended (19 U.S.C. 2461 and 2462(c)), that such waivers are in the national economic interest of the United States. Further, I have determined that it is necessary and appropriate to subdivide and amend the nomenclature of the Harmonized Tariff Schedule of the United States (HTS) in order to provide for one such waiver. Last, I have determined, pursuant to section 504(c)(5) of the 1974 Act, that certain countries should be redesignated as beneficiary developing countries with respect to specified previously designated eligible articles. These countries have been previously excluded from benefits of the GSP with respect to such eligible articles pursuant to sections 504(c)(1) or 504(c)(2) of the 1974 Act.

3. In order to clarify a change in general note 3(c)(ii)(C) to the HTS made by Proclamation 6245 of February 4, 1991, to correct a typographical error in Proclamation 6282 of April 25, 1991, and to modify the designation of eligibility of Peru with respect to HTS subheading 7113.19.10 due to new information as to the value of imports under such subheading, I have determined it is necessary and appropriate to modify the HTS.

4. Section 604 of the 1974 Act, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 501, 502, 504, and 604 of the 1974 Act, do proclaim that:

(1) The waivers of the application of section 504(c) of the 1974 Act shall apply to the eligible articles in the HTS subheadings and the beneficiary developing countries opposite such HTS subheadings set forth in Annex I(a).

(2) In order to provide in the nomenclature of the HTS for a waiver under the GSP for a specified designated eligible article when imported from Mexico, the HTS is modified as provided in Annex I(b) to this proclamation.

(3) In order to provide preferential tariff treatment under the GSP to certain countries which have been excluded from the benefits of the GSP for certain eligible articles imported from such countries, following my determination that a country previously excluded from receiving such benefits should again be treated as a beneficiary developing country with respect to such article, the Rates of Duty 1 Special subcolumn for each of the HTS provisions enumerated in Annex II(a) to this proclamation is modified: (i) by deleting from such subcolumn for such HTS provisions the symbol "A\*" in parentheses, and (ii) by inserting in such subcolumn the symbol "A" in lieu thereof.

(4) In order to provide that one or more countries which have not been treated as beneficiary developing countries with respect to an eligible article should be redesignated as beneficiary developing countries with respect to such article for purposes of the GSP, general note 3(c)(ii)(D) to the HTS is modified as provided in Annex II(b) to this proclamation.

(5) In order to provide for the continuation of previously proclaimed staged reductions on Canadian goods in the HTS provisions modified in Annex I(b) to this proclamation, effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates specified in Annex I(c) to this proclamation, the rate of duty in the HTS set forth in the Rates of Duty 1 Special subcolumn followed by the symbol "CA" in parentheses for each of the HTS subheadings enumerated in such Annex I(c) shall be deleted and the rate of duty provided in such Annex I(c) inserted in lieu thereof on the dates specified.

(6) In order to clarify a change in general note 3(c)(ii)(C) to the HTS, to correct a typographical error, and to modify the eligibility of Peru with respect to subheading 7113.19.10, the HTS is modified as provided in Annex III.

(7) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(8)(a) The waivers granted by Annex I(a) of this proclamation shall be effective on or after the date of signature of this proclamation.

(b) The amendments made by Annexes I(b), II, and III(b) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991.

(c) The amendments made by Annex I(c) of this proclamation shall be effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates indicated in the respective Annex I(c) columns.

(d) The amendments made by Annex III(a) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Annex I

(a) The waiver of the application of section 504(c) of the 1974 Act shall apply to:

|               |                     |            |        |            |                        |
|---------------|---------------------|------------|--------|------------|------------------------|
| 0802.90.15    | Mexico              | 8414.59.80 | Mexico | 8536.69.00 | Mexico                 |
| 0804.50.40    | Mexico              | 8418.10.00 | Mexico | 8536.90.00 | Mexico                 |
| 2005.20.00pt. | Mexico <sup>1</sup> | 8418.21.00 | Mexico | 8544.30.00 | Mexico;<br>Philippines |
| 2529.22.00    | Mexico              | 8418.40.00 | Mexico | 8544.51.40 | Mexico                 |
| 2836.92.00    | Mexico              | 8475.20.00 | Mexico | 8708.70.80 | Mexico                 |
| 2917.37.00    | Mexico              | 8504.10.00 | Mexico | 8708.99.50 | Mexico                 |
| 3907.60.00    | Mexico              | 8504.32.00 | Mexico | 9401.90.10 | Mexico                 |
| 4409.10.40    | Mexico              | 8505.19.00 | Mexico | 9503.70.80 | Mexico                 |
| 4818.40.40    | Mexico              | 8507.90.40 | Mexico | 9503.90.60 | Mexico                 |
| 7901.11.00    | Mexico              | 8511.10.00 | Mexico |            |                        |

<sup>1</sup> Waiver for Mexico on 2005.20.00pt. only applies to 2005.20.0020 (potato chips).

(b) The HTS is modified as provided below effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991.

Subheading 2005.20.00 is superseded by:

|            |                       |     |                              |
|------------|-----------------------|-----|------------------------------|
|            | [Other vegetables...] |     |                              |
| "2005.20   | Potatoes:             |     |                              |
| 2005.20.20 | Potato chips.....     | 10% | Free (A,E,IL) 35%<br>7% (CA) |
| 2005.20.60 | Other .....           | 10% | Free (A,E,IL) 35%<br>7% (CA) |

(c) The HTS is modified effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation. For each of the following subheadings created by Annex I(b) to this proclamation, on or after January 1 of each of the following years, the rate of duty in the Rates of Duty 1 Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof on the dates specified below.

| HTS Subheading | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|----------------|------|------|------|------|------|------|------|
| 2005.20.20     | 6%   | 5%   | 4%   | 3%   | 2%   | 1%   | Free |
| 2005.20.60     | 6%   | 5%   | 4%   | 3%   | 2%   | 1%   | Free |

## Annex II

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991:

(a) For the following HTS subheadings, in the Rates of Duty 1 Special subcolumn, delete the symbol "A" and insert an "A" in lieu thereof:

|            |            |            |            |
|------------|------------|------------|------------|
| 0802.90.15 | 7901.11.00 | 8504.32.00 | 8708.99.50 |
| 0804.50.40 | 8414.59.80 | 8536.69.00 |            |
| 2836.92.00 | 8418.10.00 | 8536.90.00 |            |
| 4409.10.40 | 8504.10.00 | 8544.30.00 |            |

(b) General note 3(c)(ii)(D) to the HTS is modified by deleting the following HTS subheadings and the countries opposite such subheadings:

|            |        |            |        |            |                        |
|------------|--------|------------|--------|------------|------------------------|
| 0802.90.15 | Mexico | 8414.59.80 | Mexico | 8536.90.00 | Mexico                 |
| 0804.50.40 | Mexico | 8418.10.00 | Mexico | 8544.30.00 | Mexico;<br>Philippines |
| 2836.92.00 | Mexico | 8504.10.00 | Mexico | 8708.99.50 | Mexico                 |
| 4409.10.40 | Mexico | 8504.32.00 | Mexico |            |                        |
| 7901.11.00 | Mexico | 8536.69.00 | Mexico |            |                        |

## Annex III

(a) General note 3(c)(ii)(C) to the HTS is modified by striking out the phrase "from such country or territory," and inserting "from such country or territory listed in subdivision (c)(ii)(A) of this note," in lieu thereof effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(b) Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991:

(1) For HTS subheadings 7113.19.10 and 8520.20.00, in the Rates of Duty 1 Special subcolumn, delete the symbol "A" and insert an "A" in lieu thereof.

(2) General note 3(c)(ii)(D) to the HTS is modified by deleting "7113.19.10 Peru".

## Proclamation 6310 of June 28, 1991

## To Make Changes to the Harmonized Tariff Schedule of the United States

*By the President of the United States of America*

*A Proclamation*

1. Section 1211(d)(2) of the Omnibus Trade and Competitiveness Act of 1988 ("1988 Act") (19 U.S.C. 3011(d)(2)) requires the United States International Trade Commission ("Commission") to recommend to the President and to the Congress those changes to the Harmonized Tariff Schedule of the United States (HTS) that the Commission would have recommended if certain final judicial decisions published during the 2-year period beginning on February 1, 1988, would have affected tariff treatment if the final decisions had been made before the conversion into the format of the International Convention on the Harmonized