

Proclamation 3517

PROCLAMATION OF CERTAIN AGREEMENTS SUPPLEMENTARY EITHER TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE OR TO OTHER TRADE AGREEMENTS, AND TERMINATION OF CERTAIN TRADE AGREEMENT PROCLAMATIONS

By the President of the United States of America

January 31, 1963

A Proclamation

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PART I—PURPOSES

The purposes of this proclamation are:

(a) To carry out trade agreements supplementary to the General Agreement on Tariffs and Trade, of October 30, 1947¹ (61 Stat. (pt. 5) All; which agreement is hereinafter referred to as "GATT"), consisting of an agreement signed with Japan providing concessions compensatory for certain escape clause action taken by the United States, an interim agreement signed with Spain, and agreements rectifying the United States schedules to the Protocol Embodying Results of the 1960-61 Tariff Conference.

(b) To proclaim certain other agreements supplementary to trade agreements, which supplementary agreements do not contain new tariff concessions by the United States.

(c) To terminate in part certain prior trade agreement proclamations.

PART II—IDENTIFICATION AND JUSTIFICATION

(A) NEW TRADE AGREEMENTS

(1) *Identification of Agreements.* After making the requisite findings and determinations and complying with the applicable procedures, as indicated in paragraph (2) of this subpart, and during the period specified in section 257(c) of the Trade Expansion Act of 1962 (P.L. 87-794, 76 Stat. 882), the President through his duly empowered representative has entered into the following trade agreements supplementary to GATT:

19 USC 1352
note.

¹ This agreement was proclaimed by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), which proclamation has been supplemented by subsequent proclamations.

(a) Agreement of December 11 and 18, 1962, signed by the United States and the European Economic Community rectifying the United States schedule to GATT annexed to the Protocol of July 16, 1962, Embodying Results of the 1960-61 Tariff Conference² (Treas. Decs. (Customs), January 31, 1963, Annex A, schedule XX; which schedule is hereinafter referred to as "Schedule XX (Geneva-1962)"). This Agreement of December 11 and 18, 1962, provides that the rate of duty set forth in column A in Schedule XX (Geneva-1962) shall become initially effective, in the case of products added to such schedule by the rectifications, on the day provided therefor in the proclamation to carry out the agreement. A copy of the agreement is annexed to this proclamation as annex A.

(b) Agreement of December 18, 1962, signed by the United States and Japan rectifying Schedule XX (Geneva-1962). This agreement includes a schedule of rectified concessions in Schedule XX (Geneva-1962). This schedule of rectified concessions provides that the rates of duty set forth in column A therein shall become initially effective, in the case of products added to Schedule XX (Geneva-1962) by the rectifications, on the day specified therefor in the proclamation to carry out the agreement. A copy of the agreement is annexed to this proclamation as annex B.

(c) Agreement of December 11 and 27, 1962, signed by the United States and Switzerland rectifying the United States schedule to the Declaration of November 22, 1958, on the Provisional Accession of Switzerland to GATT² (11 UST (pt. 1) 748) which schedule is annexed to the Protocol of July 16, 1962 (identified in subparagraph (a) of this paragraph). This agreement of December 11 and 27, 1962, provides that the rate of duty set forth in column A in such schedule shall become effective, in the case of the products added to the schedule by the rectification, on the day provided therefor in the proclamation to carry out the agreement. A copy of the agreement is annexed to this proclamation as annex C.

(d) Agreement of December 31, 1962, signed by the United States and Japan Supplementary to GATT. This supplementary agreement includes a schedule of United States concessions. The agreement provides that the concessions provided for in such schedule shall be applied on and after February 1, 1963. A copy of the agreement is annexed to this proclamation as annex D.

(e) Interim Agreement of December 31, 1962, signed by the United States and Spain. This agreement includes a schedule of United States concessions. The concessions contained in such schedule shall take effect on February 1, 1963. A copy of the agreement is annexed to this proclamation as annex E.

(2) *Requisite Findings and Determinations and Applicable Procedures Regarding Agreements.* Prior to entering into the trade agreements identified in paragraph (1) of this subpart:

(a) *Prior Findings.* The President found that certain existing duties or other import restrictions of the United States and of Spain were unduly burdening and restricting the foreign trade of the United States, and that the purposes of section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), would be promoted by entering into such trade agreements.

(b) *Compliance with Procedural Requirements.* Reasonable public notice was given of the intention to conduct trade agreement negotiations under GATT with the governments of the foreign countries

²This agreement was proclaimed by part III(A) of Proclamation 3513 of December 28, 1962 (28 F.R. 107).

which are contracting parties to GATT, including Japan, with instrumentalities of such governments, including the European Economic Community, and with the Governments of Spain and Switzerland. Views presented by interested persons have been received and considered. Information and advice with respect to such negotiations have been sought from the Departments of State, Agriculture, Commerce, and Defense, and from other sources. Pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1360), the President transmitted to the United States Tariff Commission for investigation and report lists of all articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in trade-agreement negotiations with the governments of the foreign countries, and instrumentalities thereof, referred to in this subparagraph. The Tariff Commission made the investigations and reports of its determinations pursuant to section 3 within the time specified therein.

(c) *Determination that Certain Rate Decreases Will Simplify Computation.* The President has made the determination provided for in section 350(a)(3)(D) of the Tariff Act of 1930 that certain modifications of existing duties hereinafter proclaimed in part III (A) of this proclamation, which reflect decreases in rates of duty exceeding the decreases specified in section 350(a)(4)(A) or (B), will simplify the computation of the amount of duty imposed with respect to the articles concerned.

19 USC 1351.

(d) *Determination Respecting Ad Valorem Equivalent of Certain Specific Rates.* The President has made the determination respecting the ad valorem equivalent of the specific rate of duty (or combination of rates including a specific rate), and respecting the representative period, under the authority of section 350(a)(3)(D) and (4)(A) of the Tariff Act of 1930, as amended, by reference to section 350(a)(2)(D)(ii) of that act, in the case of each modification of an existing duty proclaimed in this proclamation for which such a determination was relevant, using, to the maximum extent practicable, the standards of valuation contained in section 402 or 402a of the Tariff Act, as amended (19 U.S.C. 1401a or 1402).

(3) *Determination that Proclamation is Required or Appropriate to Carry out Trade Agreements.* As President, I have determined that the modifications of existing duties and other import restrictions of the United States, the additional import restrictions, and the continuance of existing customs and excise treatment of articles imported into the United States proclaimed in part III(A) of this proclamation will be required or appropriate to carry out the trade agreements identified in paragraph (1) of this part.

(B) OTHER AGREEMENTS SUPPLEMENTARY TO TRADE AGREEMENTS

(1) *Identification of Agreements.* The following agreements, not containing new tariff concessions by the United States, supplement provisions of trade agreements, or of agreements supplementary thereto, which have been proclaimed:

(a) Agreement of March 29, 1960, between the United States and Switzerland stating the relation between the trade agreement between the two countries of January 9, 1936³ (49 Stat. (pt. 2) 3918) and the

³ This agreement was proclaimed by the proclamation of January 9, 1936 (49 Stat. (pt. 2) 3917), which proclamation has been supplemented by subsequent proclamations.

declaration of November 22, 1958, identified in subpart (A)(1)(c) of this part (11 UST (pt. 1) 284). This agreement became effective on April 29, 1960.

(b) Procès-Verbal of November 7, 1962, Extending the Declaration of November 18, 1960, on the Provisional Accession of Argentina to GATT² (TIAS 5184). This procès-verbal entered into force for the United States on January 1, 1963. A copy of this procès-verbal is annexed to this proclamation as annex F.

(2) *Determination that Required or Appropriate that Trade Agreements be Supplemented.* As President, I have determined that it is required or appropriate that trade agreements and agreements supplementary thereto be applied as supplemented by each provision of the agreements of March 29, 1960, and of November 7, 1962 (identified in paragraph (1) of this subpart) which supplements a provision of a trade agreement or of an agreement supplementary thereto that has been proclaimed, effective on and after the relevant date specified in paragraph (1).

(C) TERMINATION OF PRIOR TRADE AGREEMENT PROCLAMATIONS

I determine that on and after the dates hereinafter indicated, and subject to the conditions hereinafter specified, in this paragraph it will be required or appropriate that the following proclamations and parts of proclamations be terminated:

(a) *March 1, 1963:* the proclamation of December 16, 1947 (identified in footnote 1 of this proclamation), as supplemented particularly by Proclamation 2798 of July 15, 1948 (62 Stat. (pt. 2) 1528), and part I of Proclamation 2929 of July 2, 1951 (65 Stat. C12), insofar as they relate to the concessions the withdrawal of which results from the modifications of the schedule of United States concessions annexed to GATT (schedule XX) and of the schedule to GATT of United States concessions annexed to the Torquay Protocol, of April 21, 1951, to GATT⁴ (3 UST (pt. 1) 615, annex A, schedule XX), provided for in schedule XX annexed to the Protocol of December 31, 1958, Relating to Negotiations for the Establishment of New Schedule III—Brazil—to GATT, by the Procès-Verbal of February 10, 1959, Containing Schedules to be Annexed to the Protocol Relating to the Establishment of New Schedule III—Brazil—to GATT (Brazil and United States). These terminations result from the right of the United States, recognized in paragraph 4 of the protocol of December 31, 1958, to make such modifications even though they have not yet become an integral part of GATT. Copies of the agreements of December 31, 1958, and February 10, 1959 are annexed to this proclamation as annexes G and H.

(b) *February 1, 1964:* provided that, under general note 2 to the United States schedule annexed to the agreement of December 31, 1962 (identified in subpart (A)(1)(e) of this part), the rates in column B of items 804 and 1558 in that schedule become initially effective for all the products provided for in those items on February 1, 1964: part III of Proclamation 3105 of July 22, 1955 (69 Stat. C44), subject to the provisions of section 401 of the Tariff Classification Act of 1962 (P.L. 87-456, 76 Stat. 78), to the extent that such part relates to articles which would be deleted from the list set forth in recital 16 of such proclamation if the following modifications were made in such list:

² This agreement was proclaimed by part III(A) of Proclamation 3513 of December 28, 1962 (28 F.R. 107).

⁴ This protocol of April 21, 1951, has been proclaimed by part I of the proclamation of June 2, 1951.

Item *Modification in List*

804 Deletion of the item.

1558 Modification of item to read:

“Articles manufactured, in whole or in part, not specially provided for:

Coconut shell char----- 16% ad val.

Edible preparations for human consumption (except banana flour, capers in brine or otherwise preserved, frog legs, plantain flour, preparations for flavoring or seasoning food, in chief value of yeast extract, containing no alcohol (but not excepting sauces), thick soy, and yeast)----- 16% ad val.”

PART III—PROCLAIMING PART

NOW, THEREFORE, I, JOHN F. KENNEDY, under the authority vested in me, as President, by the Constitution and statutes, particularly section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and more particularly subsection (a) (6) of that section in respect to subpart (C) of this part, do proclaim that:

(A) NEW TRADE AGREEMENTS

(1) *Carrying Out Trade Agreements.* Subject to the provisions of paragraph (2) of this subpart, there are hereby made effective the modifications of existing duties and other import restrictions of the United States, the additional import restrictions, and the continuance of existing customs or excise treatment of articles imported into the United States specified or provided for in the general provisions of, and schedules of United States concessions annexed to, the agreements identified in part II(A)(1) of this proclamation, as follows:

(a) Each rate of duty or import tax specified in column A at the right of the respective description of products in a schedule of United States concessions: as to articles entered, or withdrawn from warehouse, for consumption on and after February 1, 1963.

(b) Each rate of duty or import tax specified in column B at the right of the respective description of products in a schedule of the United States concessions: as to articles entered, or withdrawn from warehouse, for consumption on and after the appropriate date determined in accordance with the provisions of the general notes at the end of that schedule.

(c) The provisions of an agreement to which this paragraph relates other than the rates to which subparagraphs (a) and (b) of this paragraph relate: on and after February 1, 1963.

(2) *Conditions to which Proclamation is Subject.* The provisions of paragraph (1) of this subpart are subject to the following:

(a) The applicable terms, conditions, and qualifications set forth in the agreements to which paragraph (1) of this subpart relates, in parts I, II, and III of GATT, in annexes D, H, and I and schedules XX to GATT, and in the Protocol of Provisional Application of GATT¹ (61 Stat. (pt. 6) 2051), of October 30, 1947.

(b) The exception that no rate of duty or import tax shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed for the article by (i) a proclamation pursuant to section 350 of the Tariff Act of 1930 or to section 201 of the Trade Expansion Act of 1962 (P.L. 87-794, 76 Stat. 872), or (ii) any other proclamation, a statute, or an executive

19 USC 1351.

19 USC 1821.

¹ See footnote on page 983.

order, which proclamation, statute, or order either provides for an exemption from duty or import tax or became effective subsequent to the date of this proclamation.

(B) OTHER AGREEMENTS SUPPLEMENTARY TO TRADE AGREEMENTS

On and after the relevant date indicated in part II(B)(1) of this proclamation the relevant trade agreements and agreements supplementary thereto shall be applied as supplemented by each provision of an agreement listed in part II(B)(2) of this proclamation which supplements a provision of a trade agreement or of an agreement supplementary thereto which has been proclaimed.

(C) TERMINATION OF PRIOR TRADE AGREEMENT PROCLAMATIONS

On and after the relevant date indicated in part II(C) of this proclamation, each proclamation listed in part II(C) shall be terminated in part as therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of January in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3518

NATIONAL POISON PREVENTION WEEK, 1963

By the President of the United States of America

A Proclamation

WHEREAS approximately a half-million young children are accidentally poisoned each year by common household products and medicines; and

WHEREAS such accidents result in permanent damage—even death—to many of these children; and

WHEREAS parents and others responsible for the care of children can prevent such accidents through proper storage, handling, and disposal of potentially toxic substances; and

WHEREAS, by a joint resolution approved September 26, 1961 (75 Stat. 681), the Congress requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the week beginning March 17, 1963, as National Poison Prevention Week.

I direct the appropriate agencies of the Federal Government, and I invite State and local governments and organizations interested in child safety, to participate actively in programs intended to promote better protection against accidental poisonings.

February 6, 1963

36 USC 165.