

## Proclamation 3884

### PROCLAMATION AMENDING PART 3 OF THE APPENDIX TO THE TARIFF SCHEDULES OF THE UNITED STATES WITH RESPECT TO THE IMPORTATION OF AGRICULTURAL COMMODITIES

By the President of the United States of America

January 6, 1969

#### A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain dairy products which may be imported into the United States in any quota year; and

64 Stat. 261.

WHEREAS, in accordance with section 102(3) of the Tariff Classification Act of 1962, the President by Proclamation No. 3548 of August 21, 1963, proclaimed the additional import restrictions set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

76 Stat. 74.  
19 USC prec.  
1202 note.  
77 Stat. 1017.  
77A Stat. 441.  
19 USC 1202.

WHEREAS the import restrictions on certain dairy products set forth in part 3 of the Appendix to the Tariff Schedules of the United States as proclaimed by Proclamation No. 3548 have been amended by Proclamation No. 3558 of October 5, 1963, Proclamation No. 3562 of November 26, 1963, Proclamation No. 3597 of July 7, 1964, section 88 of the Tariff Schedules Technical Amendments Act of 1965 (79 Stat. 950), Proclamation No. 3709 of March 31, 1966, Proclamation No. 3790 of June 30, 1967, Proclamation No. 3822 of December 16, 1967, Proclamation No. 3856 of June 10, 1968, and Proclamation No. 3870 of September 24, 1968; and

77 Stat. 1028.  
77 Stat. 1032.  
78 Stat. 1249.

80 Stat. 1767.  
19 USC 1202  
note.  
81 Stat. 1110.  
82 Stat. 1455.  
82 Stat. 1636.  
82 Stat. 1649.

WHEREAS, pursuant to said section 22, the Secretary of Agriculture advised me there was reason to believe that the articles, for which import restrictions are hereinafter proclaimed, continued in effect, or modified, are being imported, and are practically certain to be imported, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with the price support programs now conducted by the Department of Agriculture for milk and butterfat, and to reduce substantially the amount of products processed in the United States from domestic milk and butterfat; and

WHEREAS, under the authority of section 22, I have requested the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS the Secretary of Agriculture further determined and reported to me with respect to certain of these articles that a condition existed which required emergency treatment, and as a result, Presidential Proclamations 3856 and 3870 were issued placing import restrictions upon certain of these articles without awaiting the recommendations of the Tariff Commission, such restrictions to continue in effect pending the report and recommendations of the Tariff Commission and action thereon by the President; and

WHEREAS, in compliance with my request the Tariff Commission has made an investigation under the authority of section 22 of the Agricultural Adjustment Act, as amended, with respect to this matter and has reported to me the findings and recommendations of the Commissioners voting in connection therewith; and

WHEREAS the findings and recommendations unanimously agreed upon by one-half of the number of Commissioners voting are considered by me pursuant to section 201 of the Trade Agreements Extension Act of 1953 (19 U.S.C. 1330(d)) as the findings and recommendations of the Commission; and

67 Stat. 472.

WHEREAS, on the basis of such investigation and report, I find and declare that the articles for which import restrictions are hereinafter proclaimed, continued in effect or modified, are being imported and are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support programs now conducted by the Department of Agriculture for milk and butterfat, and to reduce substantially the amount of products processed in the United States from domestic milk and butterfat; and

WHEREAS, on the basis of such investigation and report, I find and declare that the imposition of the import restrictions hereinafter proclaimed or continued in effect is necessary in order that the entry, or withdrawal from warehouse, for consumption of such articles will not render or tend to render ineffective or materially interfere with the price support programs now conducted by the Department of Agriculture for milk and butterfat, or reduce substantially the amount of products processed in the United States from domestic milk and butterfat; and

WHEREAS, on the basis of such investigation and report, I find and declare that changed circumstances require the modification, as hereinafter proclaimed, of provisions applicable to the import restrictions on natural Cheddar cheese, as set forth in subdivision (i) of headnote 3(a) in part 3 of the Appendix to the Tariff Schedules of the United States, and in the import restrictions set forth as items 950.12 and 950.13 (hereinafter redesignated as items 950.22 and 950.23) in part 3 of such Appendix in order to carry out the purposes of said section 22; and

81 Stat. 1111;  
*Infra.*  
19 USC 1202.

64 Stat. 261.  
7 USC 624.

WHEREAS I find and declare that for the purpose of the first proviso of section 22(b) of the Agricultural Adjustment Act, as amended, the representative period for imports of articles, subject to import quotas hereinafter provided for in items 950.10A and 950.15 in part 3 of the Appendix of the Tariff Schedules of the United States, is the calendar years 1965 through 1967, and that the representative periods for imports of other articles for which quotas are hereinafter continued in effect or modified are the same as set forth for such articles in previous applicable proclamations;

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that:

76 Stat. 72.  
19 USC prec.  
1202 note.

82 Stat. 1636,  
1649.

(1) The import restrictions proclaimed by Proclamations 3856 and 3870 which are set forth as items 949.90, 950.09B, 950.10A (hereinafter redesignated as item 950.10B), and 950.10B (hereinafter redesignated as item 950.10C) in part 3 of the Appendix to the Tariff Schedules of the United States are continued in effect.

(2) Part 3 of the Appendix to the Tariff Schedules of the United States is amended as follows:

(a) The first sentence of subdivision (i) of headnote 3(a) is amended to read as follows:

“imported articles subject to the import quotas provided for in items

950.01 through 950.15, except 950.06, may be entered only by or for the account of a person or firm to which a license has been issued by or under the authority of the Secretary of Agriculture, and only in accordance with the terms of such license; except that no such license shall be required for up to 1,225,000 pounds per quota year of natural Cheddar cheese, the product of Canada, made from unpasteurized milk and aged not less than 9 months which prior to exportation has been certified to meet such requirements by an official of the Canadian government, of which amount not more than one-half may be entered during the first six months of a quota year."

(b) Items 950.10A, 950.10B and 950.10C are redesignated as items 950.10B, 950.10C and 950.10D, respectively, the references to items 950.10A, 950.10B and 950.10C in subdivision (iii) of headnote 3(a) are changed accordingly, and the references in the parenthesis of the last sentence of subdivision (i) of headnote 3(a) are changed to (items 950.07 through .10D).

82 Stat. 1652.  
19 USC 1202.

81 Stat. 1112.

(c) Item 950.10D as redesignated is amended to read as follows:

950.10D Cheese and substitutes for cheese provided for in items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing no butterfat or not over 0.5 percent by weight of butterfat, and articles within the scope of other import quotas provided for in this part); all the foregoing, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound (see headnote 3(a) (iii) of this part):

<i>Country of Origin</i>	<i>Quota Quantity (In pounds)</i>
Belgium -----	207, 000
Denmark -----	8, 966, 000
Finland -----	1, 124, 000
France -----	931, 000
Iceland -----	560, 000
Ireland -----	151, 000
Netherlands -----	56, 000
Norway -----	222, 000
Poland -----	2, 064, 000
Sweden -----	1, 535, 000
Switzerland -----	34, 000
United Kingdom -----	274, 000
West Germany -----	989, 000
New Zealand -----	7, 500, 000
Other -----	388, 000

(d) A new item 950.10A is added, which reads as follows:

950.10A Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz), and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves:

<i>Country of Origin</i>	<i>Quota Quantity (In pounds)</i>
Argentina -----	1, 347, 000
Italy -----	104, 500
Australia -----	13, 700
Other -----	28, 800

(e) A new item 950.15 is added, which reads as follows:

950.15 Chocolate provided for in item 156.30, of part 10, schedule 1, if containing over 5.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection):

<i>Country of Origin</i>	<i>Quota Quantity (In pounds)</i>
Ireland -----	9, 450, 000
United Kingdom -----	7, 450, 000
Netherlands -----	100, 000
Other -----	None

81 Stat. 1113.  
19 USC 1202.

(f) Items 950.12 and 950.13 are redesignated as items 950.22 and 950.23 and amended to read as follows:

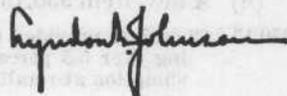
Articles containing over 5.5 percent by weight of butterfat, the butterfat of which is commercially extractable, or which are capable of being used for any edible purpose (except articles provided for in subparts A, B, C or item 118.30, of part 4, schedule 1, and except articles which are not suitable for use as ingredients in the commercial production of edible articles):

950.22	Over 45 percent by weight of butterfat	None
950.23	Over 5.5 percent but not over 45 percent by weight of butterfat and classifiable for tariff purposes under item 182.92 or 182.95:	

	Country of Origin	Quota Quantity (In pounds)
Australia	-----	2,240,000
Belgium and Denmark (aggregate)	-----	340,000
Other	-----	None

(3) The provisions of this proclamation shall not be applicable to quantities of articles which were exported to the United States or were in bonded warehouse, but not entered for consumption, in the United States prior to the effective date of this proclamation, and (1) which are subject to the import quotas provided in items 950.10A and 950.15 in part 3 of the Appendix to the Tariff Schedules of the United States to the extent such quantities are in excess of the quotas therefor, or (2) which are packaged for distribution in the retail trade and ready for use by the purchaser at retail for an edible purpose or in preparation of an edible article and were previously excepted from the import restrictions provided in items 950.22 and 950.23 of part 3 of such Appendix to the extent such quantities are in excess of the quotas set forth for such items in this proclamation. Notwithstanding the amendment made by this proclamation to headnote 3(a)(i) of part 3 of the Appendix to the Tariff Schedules of the United States, a quantity of up to 612,500 pounds of natural Cheddar cheese, made from unpasteurized milk and aged not less than nine months, which prior to exportation had been certified to meet such requirements by an official of a Government agency of the country where the cheese was produced, which had been exported to the United States or was in bonded warehouse, but not entered for consumption, in the United States prior to the effective date of this proclamation, may be entered without a license, except that the quantity of such cheese produced in Canada which may be entered without a license under headnote 3(a)(i) shall be reduced by the quantity of any such cheese so entered into the United States. Notwithstanding headnote 3(a)(i) of part 3 of such Appendix, import licenses shall not be required for the entry into the United States during the six month period ending June 30, 1969, of articles subject to the quotas provided in items 950.10A and 950.15 and articles imported from New Zealand subject to the quotas provided in item 950.10D.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of January, in the year of our Lord nineteen hundred and sixty-nine and of the Independence of the United States of America the one hundred and ninety-third.



Ante, p. 917.

Infra.

Ante, p. 916.