

PROCLAMATION 4025

Modifying Proclamation No. 3279, Relating to Imports of Petroleum and Petroleum Products

By the President of the United States of America

December 22, 1970

A Proclamation

The Director of the Office of Emergency Preparedness, with the advice of the Oil Policy Committee, has found that the national security will not be adversely affected by changes in the oil import control program which would

—increase licensed imports into Districts I–IV, including the Canadian component of those imports, approximately 100,000 barrels per day during 1971,

—free importation and allocation in Districts I–IV and District V from historical limitations, and

—authorize Mexican imports to enter, overland or by water, in such amounts and under such circumstances as the Secretary of the Interior prescribes after annual discussions between the Governments of the United States and Mexico.

Ante, p. 2257.

The Director, with the advice of the Oil Policy Committee, has recommended that Proclamation No. 3279, as amended, be amended to adjust imports in conformity with these findings. He has, with the advice of the Oil Policy Committee, also recommended that the quantity of crude oil, unfinished oils, and finished products that may be imported into Districts I–IV continue to be determined on the basis of 12.2% of the quantity of crude oil and natural gas liquids which the Secretary of the Interior estimates will be produced in those districts, adjusted to reflect other national security determinations, but that, in the interest of better public understanding of the oil import control program, such authorized imports be stated in terms of specific barrels per day.

I agree with the findings and recommendations of the Director and deem it necessary and consistent with the security objectives of Proclamation No. 3279, as amended, to adjust the imports of petroleum and petroleum products, and to improve the administration of the program, as hereinafter provided.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that, effective as of the date of this Proclamation, Proclamation No. 3279, as amended, is further amended as follows:

76 Stat. 877.
19 USC 1862.

73 Stat. c25.
19 USC 1862
note.

1. Paragraph (b) of section 1 is amended to read as follows:

“The Secretary of the Interior may, in his discretion, authorize entries, without allocation or license, of small quantities of crude oil, unfinished oils, or finished products.”

2. Paragraph (a) of section 1A is amended to read as follows:

Ante, p. 2220.

“(a)(1) As used in this section the term ‘Canadian imports’ means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways. The provisions of clause (4) of paragraph (a) of section 1 of this proclamation shall have no application to Canadian imports into Districts I–IV during the period March 1, 1970 through December 31, 1971.

“(2) During the period March 1, 1970 through December 31, 1970, Canadian imports into Districts I–IV under allocations which were made pursuant to this section shall not exceed an average of 395,000 barrels per day. However, entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1971, under any license authorizing Canadian imports into Districts I–IV for that period.

“(3) During the period January 1, 1971 through December 31, 1971, Canadian imports under allocations made pursuant to this subparagraph (3) into Districts I–IV shall not exceed an average of 450,000 barrels per day. However, entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1972 under any license authorizing such imports from Canada for that period. The Secretary shall by regulation provide for allocations of such imports. The regulations shall provide that licenses issued under such allocations shall permit the entry, or withdrawal from warehouse, for consumption of Canadian imports only.

“(4) The Secretary may, within the level prescribed by paragraph (a)(1) of section 2 of this proclamation, permit the importation of additional quantities of Canadian imports.”

Post, p. 2266.

3. Paragraph (e) of section 1A is amended to read as follows:

Ante, p. 2258.

“On and after October 1, 1970, natural gas liquids derived solely from Canadian natural gas may be imported into the United States from

Canada without allocations or licenses if transported by overland means or over waterways other than ocean waterways. As used in this paragraph the term 'natural gas liquids' means natural gas products and other hydrocarbons, such as ethane, propane, and butanes, or mixtures thereof, recovered from natural gas by means other than refining."

Ante, p. 2258.

4. Section 1A is amended by adding at the end thereof the following new paragraph:

"(h) After December 31, 1970, the provisions of clause (4) of paragraph (a) of section 1 shall have no application to imports of crude oil, unfinished oils, or finished products from Mexico. After the same date, crude oil produced in Mexico and unfinished oils and finished products produced in Mexico wholly from Mexican crude oil may in Districts I-IV and District V be entered, or withdrawn from warehouse, for consumption without allocations or licenses in such amounts and under such conditions as the Secretary may prescribe, after annual discussions between the Governments of the United States and Mexico. Until the Secretary prescribes the amounts that may enter pursuant to this paragraph, such imports shall not exceed an average of 30,000 barrels per day per calendar year."

Ante, p. 2257.

5. Subparagraph (1) of paragraph (a) of section 2 is amended to read as follows:

"Except as otherwise provided in this proclamation, the maximum level of imports (exclusive of imports from Canada provided for in paragraph (a) of section 1A), subject to allocation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) into Districts I-IV for a particular allocation period, shall be an amount equal to the difference between (i) 960,000 barrels per day during that allocation period and (ii) the quantity of crude oil and unfinished oils which may be imported pursuant to paragraph (h) of section 1A of this proclamation during the particular allocation period plus the quantity estimated by the Secretary by which shipments of unfinished oils and finished products (other than residual fuel oil to be used as fuel) from Puerto Rico to Districts I-IV during that allocation period will exceed the quantity (as adjusted by the Secretary as he may determine to be consonant with the objectives of this proclamation) so shipped during a comparable base period in the year 1965. Within this maximum level, imports of unfinished oils and imports of finished products (other than residual fuel oil to be used as fuel) shall not exceed such levels as the Secretary may determine to be consonant with the objectives of this proclamation. In addition to the imports permitted under the first sentence of this paragraph, for the period July 1, 1970 through December 31, 1971, there may be imported into District I, an average of 40,000 barrels per day of No. 2 fuel oil, manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere, for allocation, under regulations of the Secretary, to persons in the business in District I of

selling No. 2 fuel oil who do not have crude oil import allocations into Districts I–IV and who operate deep water terminals in District I or have through-put agreements with deep water terminal operators in District I who do not have crude oil import allocations into Districts I–IV, on a fair and equitable basis, to the extent possible, in relation to such persons' inputs of No. 2 fuel oil to such terminals, having regard to any product import allocations into Districts I–IV made to such persons."

6. The second sentence of paragraph (b) of section 2 is amended to read as follows:

"Within this maximum level, imports of finished products shall not exceed such levels as the Secretary may determine to be consonant with the objectives of this proclamation."

7. The first two sentences of subparagraph (1) of paragraph (b) of section 3 are amended to read as follows:

"With respect to the allocation of imports of crude oil and unfinished oils into Districts I–IV and into District V such regulations shall provide, to the extent possible, for a fair and equitable distribution among persons having refinery capacity in these districts in relation to refinery inputs (excluding inputs of crude oil or unfinished oils imported pursuant to paragraph (e), (f), or (h) of section 1A, and, with respect to refinery inputs in District V, excluding inputs of crude oil or unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1). The Secretary may, by regulation, also provide for the making of allocations of imports of crude oil and unfinished oils into Districts I–IV and into District V to persons having petrochemical plants in these districts in relation to the outputs of such plants or in relation to inputs of such plants (excluding inputs of crude oil or unfinished oils imported pursuant to paragraph (e), (f), or (h) of section 1A, and, with respect to inputs in District V, excluding inputs of crude oil or unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1)."

8. The last sentence of subparagraph (1) of paragraph (b) of Section 3 is revoked.

9. The second sentence of subparagraph (2) of paragraph (b) of section 3 is amended to read as follows:

"The regulations shall provide also that if, during a period comprising the same number of months as an allocation period and ending three months before the beginning of the allocation period, any such person ships to Districts I–IV or to District V unfinished oils or finished products (other than residual fuel oil to be used as fuel) or sells unfinished oils or finished products (other than residual fuel oil to be used as fuel) which are shipped to Districts I–IV or to District V in excess of the volume of unfinished oils or finished products (other than residual fuel oil to be used as fuel) which he so shipped or which he sold and were so shipped

74 Stat. c32.
19 USC 1862
note.

82 Stat. 1604.

during the year 1965, as adjusted by the Secretary as he may determine to be consonant with the purposes of this proclamation, the person's allocation for the next allocation period shall be reduced by the amount of the excess."

10. The first sentence of subparagraph (4) of paragraph (b) of section 3 is amended to read as follows:

75 Stat. 1020,
19 USC 1862
note.

"With respect to the allocation of imports of finished products, other than residual fuel oil to be used as fuel, into Puerto Rico, such regulations shall, to the extent possible, provide (i) for a fair and equitable distribution of imports of such finished products among persons who were importers of such finished products into Puerto Rico during the base period specified by the Secretary pursuant to section 2 of this proclamation, and (ii) for the granting and adjustment of allocations of imports of such finished products into Districts I-IV, District V, and Puerto Rico, in accordance with procedures established pursuant to section 4 of this proclamation."

11. The first sentence of subparagraph (5) of paragraph (b) of section 3 is amended to read as follows:

81 Stat. 1118.

"With respect to the allocation of imports of residual fuel oil to be used as fuel into Puerto Rico, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who were importers of that product into Puerto Rico during the base period specified by the Secretary pursuant to section 2 of this proclamation."

12. The third sentence of subparagraph (5) of paragraph (b) of section 3 is amended to read as follows:

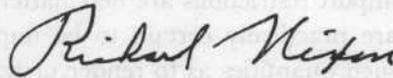
"With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel (i) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who have had inputs of that product to deep-water terminals located in District I, and (ii) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and have throughput agreements (warehouse agreements) with deep-water terminal operators."

13. Proclamation No. 3279 is further amended by inserting after section 3 the following new section:

"Sec. 3A. Pending the issuance of regulations implementing this proclamation, as amended, the Secretary is authorized to make to any person who held an allocation of imports of crude oil and unfinished oils under this proclamation during the period January 1, 1970 through December 31, 1970, an interim allocation of such imports for the period beginning January 1, 1971. The quantity of an interim allocation of imports other than Canadian oil may not exceed the allocation held in 1970 by

such person expressed in the average number of barrels per day for the allocation period multiplied by 31, except that such quantity may be increased to provide for a full tanker load. The quantity of an interim allocation of imports of Canadian oil shall not exceed such person's allocation for such imports for the last half of 1970 expressed in the average number of barrels per day for that period multiplied by 31. The Secretary also is authorized to make to any person who held an allocation of imports of No. 2 fuel oil during the period January 1, 1970 through December 31, 1970 an interim allocation of such imports for the period beginning January 1, 1971. The quantity of such an interim allocation shall not exceed fifty percentum of the allocation held in 1970 by such person. Any allocation subsequently made to any person who receives an interim allocation pursuant to this section, shall be reduced by an amount equal to the interim allocation made pursuant to this section."

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of December, in the year of our Lord nineteen hundred seventy, and the Independence of the United States of America the one hundred ninety-fifth.



PROCLAMATION 4026

Proclamation Amending and Correcting 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

December 31, 1970

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 articles 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 Classi-