

GENERAL AGREEMENT ON  
TARIFFS AND TRADE

RESTRICTED

L/4612/Add.2

1 May 1978

Limited Distribution

---

Original: English

UNITED STATES AGRICULTURAL ADJUSTMENT ACT

Notification of Fees on Sugar

Addendum

The following communication, dated 18 April 1978, has been submitted by the United States mission in Geneva.

---

Proclamation 4547, 20 January 1978

Import Fees on Sugar, Syrups and Molasses

By the President of the United States of America

A Proclamation

By Proclamation No. 4538 of 11 November 1977, I imposed import fees on certain sugars, syrups and molasses. I also requested the United States International Trade Commission to make an immediate investigation with respect to this matter pursuant to Section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), and to report its findings and recommendations to me as soon as possible.

The Secretary of Agriculture has since informed me that the fees established by Proclamation No. 4538 are insufficient. He has again advised me that he has reason to believe that sugars, syrups and molasses, derived from sugar cane or sugar beets, classified under items 155.20 and 155.30, of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), hereinafter referred to as "sugars", are being, or 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 to materially interfere with the price support operations now being conducted

by the Department of Agriculture for sugar cane and sugar beets, or to reduce substantially the amount of any product being processed in the United States from such domestic sugar beets and sugar cane. The Secretary of Agriculture has reaffirmed his determination that the condition requires emergency treatment.

I agree there is reason for these beliefs and I find and declare that:

(a) Sugars, described below by use and physical description, are being imported, or 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 operations being conducted by the Department of Agriculture for sugar cane and sugar beets, or reduce substantially the amount of any product processed in the United States from domestic sugar beets or sugar cane.

(b) A condition exists which requires the immediate imposition of the import fees hereinafter set forth, without awaiting the report and recommendations of the United States International Trade Commission.

(c) The imposition of the import fees hereinafter proclaimed is necessary in order that the entry, or withdrawal from warehouse, for consumption of such sugars will not render or tend to render ineffective, or materially interfere with, the price support operations being conducted by the Department of Agriculture for sugar beets and sugar cane, or reduce substantially the amount of products processed in the United States from such domestic sugar beets or sugar cane.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and Statutes of the United States of America, including Section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that Part 3 of the Appendix to the TSUS is amended as follows:

1. Headnote 4 is amended to read as follows:

4. Sugar, syrups and molasses

(a) Licences may be issued by the Secretary of Agriculture or his designee authorizing the entry of articles exempt from the fees provided for in items 956.05, 956.15 and 957.15 of this part on the condition that such articles will be used only for the production (other than by distillation) of polyhydric alcohols, except polyhydric alcohols for use

as a substitute for sugar in human food consumption. Such licences shall be issued under regulations of the Secretary of Agriculture which he determines are necessary to insure the use of such articles only for such purposes.

(b) "Not to be further refined or improved in quality" as used in item 956.05 means not to be further refined or improved in quality by being subjected substantially to the processes of (1) affination or defecation, (2) clarification, or (3) further purification by absorption or crystallization.

2. Items 956.10, 956.20, 957.10 and 957.20 are deleted.

3. The following new items, in numerical sequence, are added following item 955.06:

Item	Articles	Rates of duty (Section 22 Fees)
	Sugars, syrups and molasses, derived from sugar cane or sugar beets, except those entered pursuant to a licence issued by the Secretary of Agriculture in accordance with headnote 4(a):  Principally of crystalline structure or in dry amorphous form, provided for in item 155.20, part 10A, schedule 1:	
956.05	Not to be further refined or improved in quality	3.22¢ per lb., but not in excess of 50% ad valorem
956.15	To be further refined or improved in quality	2.70¢ per lb., but not in excess of 50% ad valorem
957.15	Not principally of crystalline structure and not in dry amorphous form, containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6% or less by weight of the total soluble solids, provided for in item 155.30, part 10A, schedule I	3.22¢ per lb. of total sugars, but not in excess of 50% ad valorem

With the following exceptions, this Proclamation applies to articles entered, or withdrawn from warehouse, for consumption after 12.01 a.m. (Eastern Standard Time) on the day following its issuance. One exception shall be for the sugars of Malawian origin which entered the United States before 15 February 1978, pursuant to contracts for delivery to the United States entered into before 11 November 1977. Further, if it is established to the satisfaction of the Commissioner of Customs that articles subject to Proclamations 4538 and 4539 exported to the United States before 11 November 1977, or imported to fulfill forward contracts for delivery to the United States entered into before 11 November 1977, could have been, but were not, entered for consumption on or before 1 January 1978, as a result of the delay in transportation to a point within the limits of a customs port of entry of the United States because of windstorm, fog, or similar stress of weather, the provisions of Proclamations 4538 and 4539 shall not apply to the articles even though they are entered for consumption after 1 January 1978 nor shall the provisions of this Proclamation be applicable to them. The Proclamation shall continue to apply until I have acted on the Report of the United States International Trade Commission.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and second.