

GENERAL AGREEMENT ON  
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UNITED STATES AGRICULTURAL ADJUSTMENT ACT

Notification of Fees on Sugar

Addendum

The following additional communication, dated 7 February 1979, has been submitted by the United States Mission in Geneva.

Proclamation 4610

30 November 1978

Modification of Quotas on Certain Sugars, Sirups and Molasses

By the President of the United States of America

A Proclamation

1. By Proclamation 4334 of 16 November 1974, the President modified Sub-part A, Part 10, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202, hereinafter referred to as the "TSUS") to establish, effective 1 January 1975, following expiration of the Sugar Act of 1948, rates of duty and a quota applicable to sugars, sirups and molasses described in items 155.20 and 155.30 of the TSUS. The President subsequently modified the rates of duty by Proclamation 4463 of 21 September 1976, Proclamation 4466 of 4 October 1976 and Proclamation 4539 of 11 November 1977.

2. The President took these actions pursuant to authority vested in him by the Constitution and statutes of the United States, including section 201(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2)), and in conformity with Headnote 2 of Sub-part A of Part 10 of Schedule 1 of the TSUS, hereinafter referred to as the "Headnote". The Headnote was part of a trade agreement which embodied the results of the "Kennedy Round" of international trade negotiations. That agreement is known formally as the 1967 Geneva Protocol to the General Agreement on Tariffs and Trade, and the agreement includes, as an Annex, "Schedule XX", a schedule of United States trade concessions made during those negotiations. This agreement was concluded pursuant to section 201(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)), and was implemented by Proclamation No. 3822 of 16 December 1967 (82 Stat. 1455) which, inter alia, added the Headnote to the TSUS.

3. The Headnote provides, in relevant part, as follows:

"(i) ... if the President finds that a particular rate not lower than such 1 January 1968 rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, ...

"(ii) ... any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; ...".

4. Section 201(a)(2) of the Trade Expansion Act authorizes the President to proclaim the modification or continuance of any existing duty or other import restrictions, or such additional import restrictions as he determines to be required or appropriate to carry out any trade agreement entered into under the authority of that Act, except that pursuant to section 201(b)(2) of the Act, the President may not by proclamation increase a rate of duty to a rate more than 50 per cent above the rate existing on 1 July 1934.

5. I find that the modifications hereinafter proclaimed of the quota applicable to items 155.20 and 155.30 of the TSUS are appropriate to carry out the International Sugar Agreement 1977, and that portion of the Kennedy Round Trade Agreement set forth in the Headnote, and as provided for in the Headnote, give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and statutes, including section 201 of the Trade Expansion Act of 1962, and in conformity with Headnote 2, Sub-part A of Part 10 of Schedule 1, of the TSUS, do hereby proclaim until otherwise superseded by law:

A. Headnote 3 of Sub-part A, Part 10, Schedule 1 of the TSUS is modified to provide as follows:

(3) The total amount of sugars, sirups, and molasses described in items 155.20 and 155.30, the products of all foreign countries, entered, or withdrawn from warehouse, for consumption in any calendar year shall not exceed, in the aggregate, 6,900,000 short tons, raw value. Of this quantity, not more than 210,987 short tons, raw value, the product of the Republic of China, and not more than 150,544 short tons, raw value, in the aggregate, the products of all foreign countries

other than Argentina, Australia, Bangladesh, Barbados, Belize, Bolivia, Brazil, Bulgaria, Canada, Costa Rica, Cuba, Republic of China, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, German Democratic Republic, Guatemala, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Jamaica, Japan, Kenya, Republic of Korea, Madagascar, Malawi, Mauritius, Mexico, Mozambique, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Singapore, South Africa, St. Christopher-Nevis-Anguilla, Swaziland, Sweden, Thailand, Trinidad and Tobago, Uganda, Union of Soviet Socialist Republics, Venezuela, and Yugoslavia, may be entered, or withdrawn from warehouse for consumption in the period between 1 January 1978 and 31 December 1979, inclusive. For the purposes of this headnote, the term "raw value" means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury. The principal grades and types of sugar shall be translated into terms of raw value in the following manner:

- (i) For articles described in item 155.20, by multiplying the number of pounds thereof by the greater of 0.93, or 1.07 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).
- (ii) For articles described in item 155.30, by multiplying the number of pounds of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.
- (iii) The Secretary of the Treasury shall establish methods for translating sugar into terms of raw value for any special grade or type of sugar for which he determines that the raw value cannot be measured adequately under the above provisions.

B. The provisions of this proclamation shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after the date of publication of this Proclamation in the Federal Register, except that articles which were released under the provisions of section 448(b) of Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date shall not be denied entry.

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

Proclamation 4631

28 December 1978

Import Fees on Sugars and Sirups

By the President of the United States of America

A Proclamation

By Proclamation No. 4547 of 20 January 1978, I imposed, on an emergency basis, import fees on certain sugars and sirups. These fees were to be effective pending my further action after receipt of the report of findings and recommendations of the United States International Trade Commission after its conduct of an investigation with respect to this matter pursuant to Section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624). The Commission has made its investigation and reported its findings and recommendations to me.

On the basis of the information submitted to me, 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) 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, by the authority vested in me by Section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is amended as follows:

1. Headnote 4 is continued in effect and amended by changing the heading to read "4. Sugars and sirups..." and by adding paragraph (c) which reads as follows:

(c)(i) The quarterly adjusted fee provided for in items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

(ii) The quarterly adjusted fee provided for in item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the first twenty consecutive market days preceding the twentieth day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported by the International Sugar Organization), expressed in United States cents per pound. Caribbean ports, in bulk, adjusted to a United States delivered basis by adding applicable duty and attributed costs of 0.90 cents per pound for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound: Provided, That whenever the average of such daily spot price quotations for ten consecutive market days within any calendar quarter, adjusted to a United States delivered basis as provided herein, plus the fee then in effect (1) exceeds 16.0 cents, the fee then in effect shall be decreased by one cent, or (2) is less than 14.0 cents, the fee then in effect shall be increased by one cent: Provided further, That the fee may not be greater than 50 per centum of the average of such daily spot price quotations for raw sugar.

(iii) The Secretary of Agriculture shall determine the amount of the quarterly fees in accordance with (i) and (ii) hereof and announce such fees not later than the twenty-fifth day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary shall certify the amount of such fees to the Secretary of the Treasury and file notice thereof with the Federal Register prior to the beginning of the calendar quarter during which the fees shall be applicable. The Secretary of Agriculture shall determine and announce any adjustment in the fees made within a calendar quarter in accordance with the first proviso of (ii) hereof, shall certify such adjusted fees to the Secretary of the Treasury, and shall file notice thereof with the Federal Register within three market days of the fulfilment of that proviso.

(iv) No adjustment shall be made in any fee in accordance with the first proviso of (ii) during the last ten market days of a calendar quarter.

(v) Any adjustment made in a fee during a quarter in accordance with the first proviso of (ii) hereof shall be applicable only with respect to sugar entered or withdrawn from warehouse for consumption after 12.01 a.m. (local time at point of entry) on the day following the filing of notice thereof with the Federal Register: Provided, That such adjusted fee shall not apply to sugar exported (as defined in Section 152.1 of the Customs Regulations) on a through bill of lading to the United States from the country of origin before such time.

2. Items 956.05, 956.15 and 957.15 are continued in effect and amended to read as follows:

Item	Articles	Rates of duty (Section 22 fees)
956.05	<p>Sugars and sirups, 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):</p> <p>Principally of crystalline structure or in dry amorphous form, provided for in item 155.20, Part 10A, Schedule 1:</p> <p>Not to be further refined or improved in quality</p>	<p>3.22¢ per lb., adjusted quarterly beginning 1 January 1979, in accordance with Headnote 4(c), but not in excess of 50% ad. val.</p>
956.15	<p>To be further refined or improved in quality</p>	<p>2.70¢ per lb., adjusted quarterly beginning 1 January 1979, in accordance with Headnote 4(c), but not in excess of 50% ad. val.</p>
957.15	<p>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 1</p>	<p>3.22¢ per lb., of total sugars, adjusted quarterly beginning 1 January 1979, in accordance with Headnote 4(c), but not in excess of 50% ad. val.</p>

3. The provision of paragraph (c)(iii) of Headnote 4 of Part 3 of the Appendix to the TSUS, as added herein, requiring the determination and announcement by the Secretary of Agriculture not later than the twenty-fifth day of the month preceding the calendar quarter during which the fees shall be applicable, shall not apply to the fees to become effective 1 January 1979.

This proclamation shall be effective as of 12.01 a.m. (Eastern Standard Time) on the day following its signing.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, 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 third.