

CERTIFICATION THAT A WAIVER WITHIN THE MEAN-
ING OF THE CLEAN DIAMOND TRADE ACT WILL
REMAIN IN EFFECT THROUGH DECEMBER 31, 2012

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF HIS DETERMINATION THAT AN APPLICABLE
WAIVER HAS RETROACTIVE EFFECT TO JANUARY 1, 2003 AND
WILL REMAIN IN EFFECT UNTIL DECEMBER 31, 2012 AS CON-
SISTENT WITH "THE CLEAN DIAMOND TRADE ACT", PURSUANT
TO PUB. L. 108-19



OCTOBER 8, 2009.—Message and accompanying papers referred to the
Committees on Ways and Means and Foreign Affairs, and ordered to
be printed

U.S. GOVERNMENT PRINTING OFFICE

To the Congress of the United States:

The Clean Diamond Trade Act (Public Law 108–19) (the “Act”) authorizes the President to “prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.” The Act takes effect on the date that the President certifies to the Congress that (1) an applicable waiver that has been granted by the World Trade Organization (WTO) is in effect, or (2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect. The Act remains in effect during those periods in which, as certified by the President to the Congress, such an applicable waiver or decision is in effect.

On July 29, 2003, the President certified that the WTO General Council had adopted a decision granting a waiver pursuant to Article IX of the Marrakesh Agreement Establishing the World Trade Organization concerning the Kimberley Process Certification Scheme for rough diamonds. The waiver applies to the United States and other WTO members that requested the waiver and to any WTO member that notifies the WTO of its desire to be covered by the waiver. The waiver was scheduled to have effect from January 1, 2003, through December 31, 2006. On December 19, 2006, the WTO General Council adopted a decision to extend the waiver through December 31, 2012.

I hereby certify that an applicable waiver, within the meaning of the Act, granted by the World Trade Organization has been in effect since January 1, 2003, and will remain in effect through December 31, 2012.

BARACK OBAMA.

THE WHITE HOUSE, *October 8, 2009.*

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