
Presidential Documents

Title 3—

Proclamation 6961 of November 28, 1996

The President

To Facilitate Positive Adjustment to Competition From Imports of Broom Corn Brooms

By the President of the United States of America

A Proclamation

1. On July 2, 1996, the United States International Trade Commission (“USITC”) made an affirmative determination in its investigation under section 202 of the Trade Act of 1974, as amended (“Trade Act”)(19 U.S.C. 2252), with respect to imports of broom corn brooms provided for in heading 9603 of the Harmonized Tariff Schedule of the United States (“HTS”). Under section 202 of the Trade Act, the USITC determined that such brooms are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing a like or directly competitive article. Further, the USITC found, pursuant to section 311(a) of the North American Free Trade Agreement Implementation Act (“the NAFTA Implementation Act”)(19 U.S.C. 3371(a)), that imports of such brooms produced in Mexico, considered individually, account for a substantial share of total imports of broom corn brooms and contribute importantly to the serious injury caused by imports, but that such brooms produced in Canada do not so account or contribute. The USITC’s determination and its recommendations to address the serious injury were reported to me on August 1, 1996.

2. On August 30, 1996, I determined, pursuant to section 312(a) of the NAFTA Implementation Act (19 USC 3372(a)), that imports of broom corn brooms from Mexico, considered individually, account for a substantial share of total imports and contribute importantly to the serious injury caused by imports; but that imports of broom corn brooms from Canada do not so account or contribute. Acting pursuant to section 203 of the Trade Act (19 U.S.C. 2253), I determined to take appropriate and feasible action within my power that will facilitate efforts by the domestic industry to make a positive adjustment to competition from imports of broom corn brooms. I further determined that action would not be implemented at that time and directed the United States Trade Representative (“USTR”) to negotiate and conclude, within 90 days, agreements pursuant to the terms of section 203(a)(3)(E) of the Trade Act (19 U.S.C. 2253(a)(3)(E)) concerning broom corn brooms exported to the United States, and to carry out any agreements reached. Moreover, I determined that, not later than the end of this 90-day period (November 28, 1996), I would implement action of a type described in section 203(a)(3). Such negotiations were undertaken by the USTR but have failed to achieve satisfactory agreements concerning such brooms exported to the United States.

3. Pursuant to section 203 of the Trade Act (19 U.S.C. 2253), and after taking into account the considerations specified in section 203(a)(2) of the Trade Act, I have determined to implement action of a type described in section 203(a)(3). Such action shall take the form of an increase in, or imposition of, any duty on imported brooms (except whisk brooms), wholly or in part of broom corn and provided for in HTS subheading 9603.10.50 and, with respect to imports that exceed certain specified annual levels, HTS subheading 9603.10.60. Such increase in, or imposition of, duty on such goods shall be effective for a three-year period, and shall apply to imports from all countries, except Canada and Israel and developing

countries that account for less than three percent of the relevant imports over a recent representative period. Pursuant to section 203(a)(1)(A) of the Trade Act (19 U.S.C. 2253(a)(1)(A)), I have further determined that these actions will facilitate efforts by the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs.

4. Section 604 of the Trade Act, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 203 and 604 of the Trade Act, do proclaim that:

(1) (a) In order to apply to specified broom corn brooms (except whisk brooms) that are either produced in Mexico or goods of Mexico under the terms of general note 12 to the HTS for purposes of the NAFTA, or that are products of countries other than Canada or Israel and other than countries enumerated in general note 4(a) to the HTS as that note existed on November 28, 1996 (except as otherwise specified), the foregoing goods classifiable under HTS subheading 9603.10.50, rates of duty other than those specified for such subheadings in the rates of duty column 1 of the HTS during the three-year period beginning on the effective date of this proclamation, the HTS is modified as provided in section A of the Annex to this proclamation.

(b) During the period from November 28, 1996, through November 27, 1999, inclusive, the symbol "MX" in parentheses following the "Free" rate of duty in the special subcolumn of rates of duty column 1 of the HTS for subheading 9603.10.50 shall be deleted. Upon the close of November 27, 1999, such symbol "MX" shall be reinserted in subheading 9603.10.50 in alphabetical sequence in the parentheses following the "Free" rate of duty in the special subcolumn of HTS rates of duty column 1, unless the actions taken in this proclamation are earlier expressly modified or terminated.

(c) In order to provide that such goods of Mexico under the terms of general note 12 shall be subject to a NAFTA rate of duty during the period from November 28, 1999, through December 31, 2004, inclusive, the HTS is further modified as provided in section B of the Annex to this proclamation.

(2) In order to establish tariff-rate quotas for brooms classifiable in HTS subheading 9603.10.60 (except such brooms that are the product of Israel or goods of Canada under the terms of general note 12 to the HTS) during the period from November 28, 1996, through November 27, 1999, inclusive, the HTS is further modified as provided in section C of the Annex to this proclamation.

(3) (a) All broom corn brooms (except whisk brooms) the product of designated beneficiary countries under the CBERA and the ATPA pursuant to HTS general note 7(a) and general note 11(a), respectively, the foregoing goods classifiable under HTS subheadings 9603.10.50 and 9603.10.60, shall cease to be accorded duty-free entry into the customs territory of the United States during the period from November 28, 1996, through the close of November 27, 1999, inclusive, except as provided in section C of the Annex to this proclamation.

(b) During the time period specified in paragraph (3)(a), the symbols "E," and "J," in parentheses following the "Free" rate of duty in the special subcolumn of rates of duty column 1 of the HTS for subheadings 9603.10.50 and 9603.10.60 shall be deleted. Upon the close of November 27, 1999, such symbols "E," and "J," shall be reinserted in such subheadings in

alphabetical sequence in the parentheses following the "Free" rate of duty in the special subcolumn of HTS rates of duty column 1, and eligible goods the product of designated CBERA and ATPA beneficiary countries shall again be accorded duty-free entry into the customs territory of the United States without quantitative limitation, unless the actions taken in this proclamation are earlier expressly modified or terminated.

(4) Any provisions of previous proclamations and Executive orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(5) The modifications to the HTS made by this proclamation, including the Annex thereto, shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. on November 28, 1996, as provided in the Annex to this proclamation, unless such actions are earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of November, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twenty-first.

A handwritten signature in black ink, reading "William J. Clinton". The signature is written in a cursive style with a large, prominent initial "W".

ANNEX

MODIFICATIONS TO THE
HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

SECTION A. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after November 28, 1996, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the new provisions set forth below, applicable during the time periods specified therein, with the language inserted in the columns entitled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special" and "Rates of Duty 2"; and upon the close of November 27, 1999, these provisions and superior text thereto shall be deleted from the HTS:

| | | | | |
|------------|--|---------------|-----------|----------------------|
| | : "Brooms (except whisk brooms), wholly or in part | : | : | : |
| | : of broom corn, valued not over 96¢ each, in | : | : | : |
| | : quantities in excess of the in-quota quantity | : | : | : |
| | : for such goods (provided for in subheading | : | : | : |
| | : 9603.10.50): | : | : | : |
| | : If entered during the period from November | : | : | : |
| | : 29, 1996, through November 27, 1997: | : | : | : |
| 9903.96.01 | : Products of countries enumerated in | : | : | : |
| | : general note 4(a) to the HTS as that note | : | : | : |
| | : existed on November 28, 1996 to the tariff | : | : | : |
| | : schedule, except products of Panama, | : | : | : |
| | : and goods of Canada under the terms of | : | : | : |
| | : general note 12 to the tariff schedule... | : 32¢ each | : | Free (E,J) |
| | : | : | : | : |
| | : | : | : | : |
| 9903.96.02 | : Other..... | : 33¢ each | : | Free (IL) : 33¢ each |
| | : | : | : | : 33¢ each |
| | : | : | : | : (MX) |
| | : If entered during the period from November | : | : | : |
| | : 29, 1997, through November 27, 1998: | : | : | : |
| 9903.96.03 | : Products of countries enumerated in | : | : | : |
| | : general note 4(a) to the HTS as that note | : | : | : |
| | : existed on November 28, 1996 to the tariff | : | : | : |
| | : schedule, except products of Panama, | : | : | : |
| | : and goods of Canada under the terms of | : | : | : |
| | : general note to the tariff schedule..... | : 32¢ each | : | Free (E,J): |
| | : | : | : | : |
| | : | : | : | : |
| 9903.96.04 | : Other..... | : 32.5¢ each: | Free (IL) | : 32.5¢ each |
| | : | : | : | : 32.5¢ each |
| | : | : | : | : |
| | : | : | : | : (MX) |
| | : If entered during the period from November | : | : | : |
| | : 29, 1998, through November 27, 1999: | : | : | : |

| | | | | | |
|------------|---|--|---|-------------|-------------------------|
| 9903.96.05 | : | Products of countries enumerated in | : | : | : |
| | : | general note 4(a) to the HTS as that note | : | | |
| | : | existed on November 28, 1996 to the tariff | : | | |
| | : | schedule, except products of Panama, | : | : | : |
| | : | and goods of Canada under the terms of | : | : | : |
| | : | general note 12 to the tariff schedule... | : | 32¢ each | : Free (E,J): |
| | : | | : | | |
| 9903.96.06 | : | Other..... | : | 32.1¢ each: | Free (IL) : 32.1¢ each" |
| | : | | : | | |
| | : | | : | | 32.1¢ (MX): |

B. (1). Effective with respect to eligible goods of Mexico, under the terms of general note 12 to the tariff schedule, that are entered, or withdrawn from warehouse for consumption, on or after November 28, 1996, and through the close of November 27, 1999, as provided herein, subheading 9906.96.02 is modified by striking "22.4% (MX)" and by inserting, effective on each of the dates set forth below, the following new rates of duty for such goods of Mexico:

| | |
|-------------------|--------------|
| November 28, 1996 | "33% (MX)" |
| November 28, 1997 | "32.5% (MX)" |
| November 28, 1998 | "32.1% (MX)" |

(2). Effective with respect to eligible goods of Mexico, under the terms of general note 12 to the tariff schedule, that are entered, or withdrawn from warehouse for consumption, on or after November 28, 1999, and through the close of December 31, 1999, HTS subheading 9906.96.01 is modified by deleting "Free" from the special subcolumn of rates of duty column 1 and by inserting in lieu thereof "16%". Effective with respect to such eligible goods of Mexico that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2000--

B(2)(i) HTS subheading 9603.10.60 is modified by deleting from the special duty rates subcolumn the expression "See 9906.96.01-9906.96.02 (MX) (s)" and by inserting in lieu thereof the expression "16% (MX)"; and

(ii) Subheadings 9906.96.01 and 9906.96.02, the superior text beginning with the word "Brooms," and the superior text beginning with the word "Valued" are deleted from the HTS.

C. Effective with respect to goods (except goods of Canada under the terms of general note 12 to the tariff schedule and except products of Israel) that are entered, or withdrawn from warehouse for consumption, on or after November 28, 1996, and through the close of November 27, 1999, subchapter III of chapter 99

of the HTS is further modified by inserting immediately after subheading 9903.96.06 (as added by section (a) of this annex) the following new provisions, applicable during the time periods specified therein, with the language inserted in the columns entitled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special" and "Rates of Duty 2"; and upon the close of November 27, 1999, these provisions and superior text shall be deleted from the HTS:

| | | | | | |
|------------|---|---|---|---|----------|
| | : | "Brooms (except whisk brooms), wholly or | : | : | : |
| | : | in part of broom corn, valued over 96¢ each: | : | : | : |
| | : | | : | : | : |
| | : | (provided for in subheading 9603.10.60): | : | : | : |
| 9903.96.10 | : | If the product of Panama and entered during | : | : | : |
| | : | | : | : | : |
| | : | the period from November 28 in a year | : | : | : |
| | : | beginning in 1996 through November 27 in the | : | : | : |
| | : | | : | : | : |
| | : | following year, inclusive, in quantities not | : | : | : |
| | : | | : | : | : |
| | : | in excess of 41,000 dz..... | : | : | Free (E) |
| | : | | : | : | : |
| | : | | : | : | : |
| 9903.96.11 | : | If the product of Honduras and entered during | : | : | : |
| | : | | : | : | : |
| | : | the period from November 28 in a year beginning | : | : | : |
| | : | | : | : | : |
| | : | in 1996 through November 27 in the following | : | : | : |
| | : | | : | : | : |
| | : | year, inclusive, in quantities not in excess | : | : | : |
| | : | | : | : | : |
| | : | of 37,000 dozen..... | : | : | Free (E) |
| | : | | : | : | : |
| | : | | : | : | : |
| 9903.96.12 | : | If the product of Colombia and entered during | : | : | : |
| | : | | : | : | : |
| | : | the period from November 28 in a year beginning | : | : | : |
| | : | | : | : | : |
| | : | in 1996 through November 27 in the following | : | : | : |
| | : | | : | : | : |
| | : | year, inclusive, in quantities not in excess | : | : | : |
| | : | | : | : | : |
| | : | of 12,000 dozen..... | : | : | Free (J) |
| | : | | : | : | : |

| | | | | |
|------------|---|--|---------|--------------|
| 9903.96.13 | : | If the product of any country except Panama, | : | : |
| | : | | : | : |
| | : | Honduras, Colombia, Mexico, Canada, or | : | : |
| | : | Israel, and entered during | : | : |
| | : | the period from November 28 | : | : |
| | : | in a year beginning in 1996 through November | : | : |
| | : | | : | : |
| | : | 27 in the following year, in quantities not in | : | : |
| | : | | : | : |
| | : | excess of 2,000 dozen..... | : 32% | : Free (IL) |
| | : | | : 32% | |
| | : | | : | : |
| | : | Other: | : | : |
| | : | Entered during the period from | : | : |
| | : | November 28, 1996, through November | : | : |
| | : | 27, 1997, inclusive: | : | : |
| 9903.96.14 | : | Products of any country enumerated | : | : |
| | : | in general note 4(a) to the HTS as that | : | : |
| | : | note existed on November 28, 1996 to the | : | : |
| | : | tariff schedule (except Panama, Honduras | : | : |
| | : | or Colombia), and goods of Canada | : | : |
| | : | under the terms of general note 12 | : | : |
| | : | to the tariff schedule..... | : 32% | : Free (E,J) |
| | : | | : | : |
| 9903.96.15 | : | Other..... | : 33% | : Free (IL) |
| | : | | : 33% | |
| | : | | : | : |
| | : | Entered during the period from | : | : |
| | : | November 28, 1997, through November | : | : |
| | : | 27, 1998, inclusive: | : | : |
| 9903.96.16 | : | Products of any country enumerated | : | : |
| | : | in general note 4(a) to the HTS as | : | : |
| | : | that note existed on November 28, | : | : |
| | : | 1996 to the tariff schedule (except | : | : |
| | : | Panama, Honduras or Colombia), | : | : |
| | : | and goods of Canada under | : | : |
| | : | the terms of general note 12 | : | : |
| | : | to the tariff schedule..... | : 32% | : Free (E,J) |
| | : | | : | : |
| 9903.96.17 | : | Other..... | : 32.5% | : Free (IL) |
| | : | | : 32.5% | |
| | : | | : | : |
| | : | Entered during the period from | : | : |
| | : | November 28, 1998, through November | : | : |
| | : | 27, 1999, inclusive: | : | : |
| 9903.96.18 | : | Products of any country enumerated | : | : |

| | | | | |
|------------|---|-------------------------------------|---|-------------------|
| | : | in general note 4(a) to the HTS as | : | : |
| | : | that note existed on November 28, | : | : |
| | : | 1996 to the tariff schedule (except | : | : |
| | : | Panama, Honduras or Colombia), | : | : |
| | : | and goods of Canada under | : | : |
| | : | the terms of general note 12 | : | : |
| | : | to the tariff schedule..... | : | 32% : Free (E,J) |
| | : | | : | : |
| 9903.96.19 | : | Other..... | : | 32.1% : Free (IL) |
| | : | | : | |
| | : | 32.1% | : | |

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