



FEDERAL REGISTER

Vol. 78

Tuesday,

No. 127

July 2, 2013

Part V

The President

Proclamation 8997—To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

Presidential Documents

Title 3—

Proclamation 8997 of June 27, 2013

The President

To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

By the President of the United States of America

A Proclamation

1. Section 502(b)(2)(G) of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2462(b)(2)(G)), provides that the President shall not designate any country a beneficiary developing country under the Generalized System of Preferences (GSP) if such country has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country (including any designated zone in that country). Section 502(d)(2) of the 1974 Act (19 U.S.C. 2462(d)(2)) provides that, after complying with the requirements of section 502(f)(2) of the 1974 Act (19 U.S.C. 2462(f)(2)), the President shall withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, the President determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b)(2) of the 1974 Act. Section 502(f)(2) of the 1974 Act requires the President to notify the Congress and the country concerned at least 60 days before terminating its designation as a beneficiary developing country for purposes of the GSP.

2. Having considered the factors set forth in section 502(b)(2)(G) and providing the notification called for in section 502(f)(2), I have determined pursuant to section 502(d) of the 1974 Act, that it is appropriate to suspend Bangladesh’s designation as a GSP beneficiary developing country because it has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country. In order to reflect the suspension of Bangladesh’s status as a beneficiary developing country under the GSP, I have determined that it is appropriate to modify general notes 4(a) and 4(b)(i) of the Harmonized Tariff Schedule of the United States (HTS).

3. Section 503(c)(2)(A) of the 1974 Act provides that beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries as provided in section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), are subject to competitive need limitations on the preferential treatment afforded under the GSP to eligible articles.

4. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2012 certain beneficiary developing countries exported eligible articles in quantities exceeding the applicable competitive need limitations, and I therefore terminate the duty-free treatment for such articles from such beneficiary developing countries.

5. Section 503(c)(2)(F)(i) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(i)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country, if the aggregate appraised value of the imports of such article into the United States during the preceding calendar year does not exceed an amount set forth in section 503(c)(2)(F)(ii) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(ii)).

6. Pursuant to section 503(c)(2)(F)(i) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act should be disregarded with respect to certain eligible articles from certain beneficiary developing countries.

7. Section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)) provides that the President may waive the application of the competitive need limitations in section 503(c)(2) of the 1974 Act with respect to any eligible article from any beneficiary developing country if certain conditions are met.

8. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the United States International Trade Commission on whether any industry in the United States is likely to be adversely affected by waivers of the competitive need limitations provided in section 503(c)(2), and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2462(c)) and after giving great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive need limitations of section 503(c)(2) of the 1974 Act should be waived with respect to certain eligible articles from certain beneficiary developing countries.

9. Section 503(d)(4)(B)(ii) of the 1974 Act (19 U.S.C. 2463(d)(4)(B)(ii)) provides that the President should revoke any waiver of the application of the competitive need limitations that has been in effect with respect to an article for 5 years or more if the beneficiary developing country has exported to the United States during the preceding calendar year an amount that exceeds the quantity set forth in section 503(d)(4)(B)(ii)(I) or section 503(d)(4)(B)(ii)(II) of the 1974 Act (19 U.S.C. 2463(d)(4)(B)(ii)(I) and 19 U.S.C. 2463(d)(4)(B)(ii)(II)).

10. Pursuant to section 503(d)(4)(B)(ii) of the 1974 Act, I have determined that in 2012 certain beneficiary developing countries exported eligible articles for which a waiver has been in effect for 5 years or more in quantities exceeding the applicable limitation set forth in section 503(d)(4)(B)(ii)(I) or section 503(d)(4)(B)(ii)(II) of the 1974 Act, and I therefore revoke said waivers.

11. Section 604 of the 1974 Act (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 removal, modification, continuance, or imposition of any rate of duty or other import restriction.

12. Presidential Proclamation 6763 of December 23, 1994, implemented the trade agreements resulting from the Uruguay Round of multilateral negotiations, including Schedule XX—United States of America, annexed to the Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994 (Schedule XX). In order to maintain the intended tariff treatment for certain products covered in Schedule XX, I have determined that technical corrections to the HTS are necessary.

13. Presidential Proclamation 7011 of June 30, 1997, implemented modifications of the World Trade Organization Ministerial Declaration on Trade in Information Technology Products (the “ITA”) for the United States. Products included in Attachment B to the ITA are entitled to duty-free treatment wherever classified. Presidential Proclamation 8840 of June 29, 2012, implemented certain technical corrections are necessary to the HTS in order to maintain the intended tariff treatment for certain products covered in Attachment B. I have determined that certain additional technical corrections are necessary to conform the HTS to the changes made by Presidential Proclamation 8840.

14. Presidential Proclamation 8818 of May 14, 2012, implemented U.S. tariff commitments under the United States-Colombia Trade Promotion Agreement

and incorporated by reference Publication 4320 of the United States International Trade Commission, entitled “Modifications to the Harmonized Tariff Schedule of the United States to Implement the United States-Colombia Trade Promotion Agreement.” Presidential Proclamation 8894 of October 29, 2012, made modifications to the HTS to correct technical errors and omissions in Annexes I and II to Publication 4320. I have determined that a modification is necessary to correct an additional omission.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act, do proclaim that:

(1) The designation of Bangladesh as a beneficiary developing country under the GSP is suspended on the date that is 60 days after the date this proclamation is published in the *Federal Register*.

(2) In order to reflect the suspension of benefits under the GSP with respect to Bangladesh, general notes 4(a) and 4(b)(i) of the HTS are modified as set forth in section A of Annex I to this proclamation by deleting “Bangladesh” from the list of independent countries and least developed countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date this proclamation is published in the *Federal Register*.

(3) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, the Rates of Duty 1—Special sub-column for the corresponding HTS subheadings and general note 4(d) of the HTS are modified as set forth in sections B and C of Annex I to this proclamation.

(4) The modifications to the HTS set forth in sections B and C of Annex I to this proclamation shall be effective with respect to the articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the relevant sections of Annex I.

(5) The competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act is disregarded with respect to the eligible articles in the HTS subheadings and to the beneficiary developing countries listed in Annex II to this proclamation.

(6) A waiver of the application of section 503(c)(2) of the 1974 Act shall apply to the articles in the HTS subheadings and to the beneficiary developing countries set forth in Annex III to this proclamation.

(7) In order to provide the intended tariff treatment to certain products as set out in Schedule XX, the HTS is modified as set forth in section A of Annex IV to this proclamation.

(8) In order to conform the HTS to certain technical corrections made to provide the intended tariff treatment to certain products as set out in the ITA, the HTS is modified as set forth in section B of Annex IV to this proclamation.

(9) In order to provide the intended tariff treatment to certain goods from Colombia, the HTS is modified as set forth in section C of Annex IV to this proclamation.

(10) The modifications to the HTS set forth in Annex IV to this proclamation shall be effective with respect to the articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the relevant sections of Annex IV.

(11) 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.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of June, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-seventh.

A handwritten signature in black ink, appearing to be "Barack Obama", written in a cursive style. The signature is positioned to the right of the witness text.

ANNEX I

**MODIFICATIONS TO THE HARMONIZED TARIFF
SCHEDULE OF THE UNITED STATES**

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date this publication is published in the *Federal Register*, the Harmonized Tariff Schedule of the United States (HTS) is modified by:

- (1) deleting "Bangladesh" from the list entitled "Independent Countries" in general note 4(a); and
- (2) deleting "Bangladesh" from general note 4(b)(i).

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2013, the HTS is modified by:

- (1) for the following subheading, the Rates of Duty 1-Special column is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

1005.90.40

- (2) adding to general note 4(d), in numerical sequence, the following subheading number and the country set out opposite such subheading number:

1005.90.40 Brazil

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2013, general note 4(d) to the HTS is modified by adding, in alphabetical order, the following country opposite the following subheading number:

4011.10.10 Indonesia

ANNEX II

**HTS Subheadings and Countries for Which the Competitive Need
Limitation Provided in Section 503(c)(2)(A)(i)(II) is Disregarded**

0302.79.11	Suriname	2915.50.20	India
0304.95.90	Indonesia	2921.42.15	India
0410.00.00	Indonesia	2921.42.21	India
0603.13.00	Thailand	2922.29.26	India
0711.40.00	India	2924.21.04	Brazil
0713.60.80	Bolivia	2927.00.30	India
0713.90.81	Bolivia	2933.99.06	India
0802.52.00	Turkey	3815.90.10	Brazil
0802.80.10	India	3824.90.32	Brazil

0810.60.00	Thailand	3912.11.00	India
0813.40.10	Thailand	4010.36.41	India
0813.40.80	Thailand	4101.20.40	Brazil
1102.90.30	India	4101.20.70	Brazil
1604.13.90	Ecuador	4101.50.35	India
1702.90.52	India	4101.50.40	Brazil
1703.90.50	Ukraine	4101.50.70	Brazil
1806.10.22	Brazil	4101.90.40	Brazil
1901.20.45	Turkey	4104.11.30	India
2001.90.45	India	4104.19.30	Pakistan
2004.90.10	Ecuador	4106.21.90	India
2005.80.00	Thailand	4106.22.00	Pakistan
2005.91.97	India	4107.11.40	Brazil
2008.30.96	Ecuador	4107.11.60	Turkey
2008.99.50	Thailand	4107.12.40	India
2103.90.72	India	4107.19.40	India
2401.20.57	Jordan	4107.91.40	India
2516.12.00	India	4107.92.40	India
2813.90.50	India	4107.99.40	Pakistan
2827.39.25	India	4412.94.90	Indonesia
2827.39.45	India	4412.99.80	Brazil
2830.90.20	Russia	4602.12.05	Indonesia
2831.90.00	India	5208.31.20	India
2833.29.10	India	5209.31.30	India
2833.29.40	Turkey	5209.41.30	India
2834.10.10	India	5607.90.35	Philippines
2840.11.00	Turkey	5702.92.10	India
2841.61.00	India	6216.00.35	Indonesia
2844.30.10	India	6913.10.20	Thailand
2904.90.15	India	7113.20.25	India
2905.19.10	Brazil	7325.91.00	India
2905.44.00	Indonesia	7505.11.30	Brazil
2907.29.25	India	8112.12.00	Kazakhstan
2908.19.20	India	8112.19.00	Kazakhstan
2909.11.00	India	8112.59.00	Russia
2912.49.10	India	8406.10.10	Brazil
2913.00.50	India	8507.20.40	Ecuador
2914.29.10	India	9010.90.40	India
2914.40.10	Brazil	9027.50.10	Philippines
2914.40.20	India	9205.90.14	India
2915.39.20	India	9303.30.40	Russia

ANNEX III

HTS Subheadings and Countries Granted a Waiver of the Application of
Section 503(c)(2)(A) of the 1974 Act

7202.99.20 Brazil

ANNEX IV

Technical Corrections to the HTS

Section A. The HTS is modified as provided in this section, with bracketed material included to assist in the understanding of proclaimed modifications, on or after July 1, 2013:

The following provisions supersede matter now in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article description", "Rates of Duty 1 General", "Rates of Duty 1 Special", and "Rates of Duty 2", respectively.

Subheading 8526.92.00 is superseded and the following provisions inserted in numerical sequence, with the superior text inserted at the same level of indentation as the description in subheading 8526.91.00:

	[Radar apparatus . .]			
	[Other . . .]			
"8526.92	Radio remote control apparatus:			
8526.92.10	Radio remote control apparatus for video game consoles	Free		35%
8526.92.50	Other	4.9%	Free (A,AU,BH, C,CA,CL,CO,E, IL,J,JO,KR,MA, MX,OM,P,PA,PE, SG)	35%"

Any staged reduction of a rate of duty set forth in the Rates of Duty 1-Special column for HTS subheading 8526.92.00 that was proclaimed by the President before the effective date of this proclamation for such subheading shall apply to the corresponding rate of duty set forth in subheadings 8526.92.50.

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2013, the HTS is modified by:

- (1) for subheading 8528.59.33, inserting "D," after "CO," in the column "Rates of Duty 1 Special"; and

(2) for subheading 8529.90.53, deleting numbers "8528.59.20," and "8528.59.30," and inserting numbers "8528.59.21", "8528.59.23", "8528.59.31", and "8528.59.33" in numerical sequence in the column "Article Description".

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2013, the HTS is modified by, for subheadings 9901.00.50 and 9901.00.52, inserting "CO," before "PE" in the column "Rates of Duty 1-Special".