

Proclamation 4631

December 28, 1978

## Import Fees on Sugars and Sirups

*By the President of the United States of America***A Proclamation**

By Proclamation No. 4547 of January 20, 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.

19 USC 1202.

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:

7 USC 624.  
19 USC 1202.

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 20 consecutive market days preceding the 20th 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 the 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 10 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 25th 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 adjustments 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 3 market days of the fulfillment 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)
	Sugars and sirups derived from sugar cane or sugar beets, except those entered pursuant to a license 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., adjusted quarterly beginning January 1, 1979, in accordance with headnote 4(c), but not in excess of 50% ad val.
956.15	To be further refined or improved in quality.....	2.70¢ per lb., adjusted quarterly beginning January 1, 1979, in accordance with headnote 4(c), but not in excess of 50% ad val.
957.15	Not principally of crystalline structure and not in dry amorphous form, containing soluble nonsugar 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.....	3.22¢ per lb., of total sugars, adjusted quarterly beginning January 1, 1979, in accordance with headnote 4(c), but not in excess of 50% ad val.

19 USC 1202.

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 25th day of the month preceding the calendar quarter during which the fees shall be applicable, shall not apply to the fees to become effective January 1, 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.

JIMMY CARTER