

Afghanistan	Haiti
Bangladesh	Lesotho
Benin	Malawi
Bhutan	Maldives
Botswana	Mali
Burundi	Nepal
Cape Verde	Niger
Central African Republic	Rwanda
Chad	Somalia
Comoros	Sudan
Ethiopia	Tanzania
Gambia	Upper Volta
Guinea	Western Samoa
	Yemen (Sana)

(ii) Imported articles, the products of least developed developing countries as designated in subparagraph (i) above, provided for under the TSUS items for which rates of duty appear in the column entitled "LDDC" of the schedules are subject to those rates of duty rather than the rates of duty provided for in column numbered 1, except that articles subject to temporary modifications under any provisions of the Appendix to these schedules shall be subject to the rates of duty set forth therein. If no rate of duty is provided in the "LDDC" column for a particular item, the rate of duty provided in column numbered 1 shall apply."

Proclamation 4708 of December 11, 1979

Import Limitations on Certain Cheese and Chocolate Crumb

By the President of the United States of America

A Proclamation

Import limitations have been imposed on certain dairy products, including certain cheese and chocolate crumb, pursuant to the provisions of Section 22 of the Agricultural Adjustment Act, as amended, 7 U.S.C. 624, (Section 22). Those limitations are set forth in Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS).

Sections 701 and 703 of the Trade Agreements Act of 1979, P.L. 96-39 (The Act), require that the President proclaim a) limitations on the quantity of types of cheese specified therein which may enter the United States in any calendar year after 1979 to an annual aggregate quantity of not more than 111,000 metric tons and b) increases in a specified manner, of the quantity of chocolate crumb now subject to certain import quotas which may be entered in any calendar year after 1979. Such limitations and increases are required to become effective on January 1, 1980.

Ante, p. 268, 272.

It is provided in Sections 701 and 703 of the Act that such proclamation shall be considered a proclamation issued under Section 22 and which meets the requirements of such section.

The Act also approved bilateral agreements entered into during the Multilateral Trade Negotiations (MTN) by the United States and certain foreign countries with respect to the quantity of cheese and chocolate crumb subject to such limitations that may be imported from such countries. These agreements contained the provision that "the United States agrees to take all necessary measures to permit the maximum utilization of the Quotas."

On the basis of the information submitted to me, I find and declare that the import limitations hereinafter proclaimed with respect to cheese and chocolate crumb are in accord with the requirements of Sections 701 and 703 of the Act and the bilateral agreements approved by such Act which were entered into by the United States and certain foreign countries with respect to the quantity of cheese and chocolate crumb subject to such limitations that may be imported from such countries.

19 USC prec.
1202.
19 USC 2101.
Ante, p. 144.

19 USC 1202.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of Section 22 of the Agricultural Adjustment Act of 1933, as amended, the Tariff Classification Act of 1962, the Trade Act of 1974, the Trade Agreements Act of 1979, and the bilateral agreements relating to cheese and chocolate crumb approved by the Trade Agreements Act of 1979, do hereby proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is amended, effective January 1, 1980, as set forth in the Annex to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of December, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

ANNEX

1. Headnote 3(a) to part 3 of the Appendix to the Tariff Schedules of the United States is amended to read as follows:

"3. (a) *Dairy products.*—

(i) Imported articles subject to the import quotas provided for in items 950.01 through 950.11, except 950.06, may be entered only by or for the account of a person or firm to which a license has been issued by or under the authority of the Secretary of Agriculture, and only in accordance with the terms of such license; except that no such license shall be required for up to 1,837,351 pounds per quota year of natural Cheddar cheese, the product of Canada, made from unpasteurized milk and aged not less than 9 months, which prior to exportation has been certified to meet such requirements by an official of the Canadian government. Such licenses shall be issued under regulations of the Secretary of Agriculture which he determines will, to the fullest extent practicable, result in the equitable distribution of the respective quotas for such articles among importers or users and facilitate the utilization of the quotas by the supplying countries, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned.

(ii) Under item 950.08A not more than 10,367,988 pounds of the annual quota quantity shall be products other than natural Cheddar cheese made from unpasteurized milk and aged not less than 9 months.

(iii) Notwithstanding any other provision of this part, if the Secretary of Agriculture determines that a quantity specified in the column entitled "Quota Quantity" opposite the name of any country is not likely to be entered from such country within any calendar year, he may provide with respect to such article for the adjustment for that calendar year, within the aggregate quantity of such article permitted to be entered from all countries during such calendar year, of the quantities of such article which may be entered during such year from the countries specified as countries of origin for such article. The Secretary of Agriculture shall notify the Secretary of the Treasury of such adjustment and, with respect to country of origin adjustments for any article for which a license is not required, file notice thereof with the *Federal Register*. With respect to articles for which a license is not required, such adjustment shall become effective 3 days after the date of publication in the *Federal Register*.

(iv) For the purposes of this part, the term "*soft ripened cow's milk cheese*" means cheese which—

(1) has a prominent crust formed on the exterior surface as a result of curing or ripening by biological curing agents such as molds, yeasts, or other microorganisms,

(2) visibly cures or ripens from the surface toward the center,

(3) has a fat content by weight (on a moisture-free basis) of not less than 50 percent, and

(4) has a moisture content (calculated by weight of the non-fatty matter) of not less than 65 percent, but does not include cheese with mold distributed throughout its interior."

1. Items 950.07 through 950.16 are amended to read as follows:

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in Kilograms)
	[Whenever . . . :] [Cheeses . . . :]		
950.07	Blue-mold cheese (except Stilton produced in the United Kingdom) and cheese and substitutes for cheese containing, or processed from, blue-mold cheese (provided for in item 117.00, 117.05, 117.75, or 117.88):		
	European Economic Community	5,465,203	2,479,000
	Argentina	4,409	2,000
	Other	2	1
950.08A	Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese (provided for in item 117.15, 117.20, 117.75, or 117.88):		
	European Economic Community	579,809	263,000
	Australia	2,645,520	1,200,000
	New Zealand	6,834,260	3,100,000
	Canada	1,837,351	833,417
	Other	308,399	139,889
950.08B	American-type cheese, including Colby, washed curd, and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese (provided for in item 117.75, 117.81, or 117.88):		
	European Economic Community	559,968	254,000
	Australia	2,204,600	1,000,000
	New Zealand	4,409,200	2,000,000
	Other	371,598	168,556
	[Whenever . . . :] [Cheeses . . . :]		
950.09A	Edam and Gouda cheeses (provided for in item 117.25):		
	European Economic Community	8,842,650	4,011,000
	Sweden	90,388	41,000
	Argentina	275,575	125,000
	Other	2	1
950.09B	Cheese and substitutes for cheese containing, or processed from, Edam and Gouda cheese (provided for in item 117.25, 117.75, or 117.88):		
	European Economic Community	2,727,090	1,237,000
	Norway	368,168	167,000
	Other	55,999	25,401
950.10	Italian-type cheeses, made from cow's milk, in original loaves (Romano, made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz) (provided for in item 117.44 or 117.55):		
	European Economic Community	3,886,709	1,763,000
	Argentina	8,487,710	3,850,000
	Other	2	1
950.10A	Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz, and Goya) and cheese and substitutes for		

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in Kilograms)
	cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves (provided for in item 117.42, 117.44, 117.55, 117.75, 117.86, or 117.88):		
	European Economic Community	103,616	47,000
	Argentina	1,417,557	643,000
	Other	28,798	13,063
	[Whenever . . . :]		
	[Cheeses . . . :]		
950.10B	Swiss or Emmenthaler cheese with eye formation (provided for in item 117.60):		
	European Economic Community	13,227,600	6,000,000
	Austria	13,844,888	6,280,000
	Finland	18,077,720	8,200,000
	Norway	15,174,261	6,883,000
	Switzerland	7,561,778	3,430,000
	Israel	59,524	27,000
	Australia	1,102,300	500,000
	Canada	154,322	70,000
	Iceland	661,380	300,000
	Argentina	176,368	80,000
	Other	187,999	85,276
950.10C	Swiss or Emmenthaler cheese other than with eye formation, Gruyere-process cheese, and cheese and substitutes for cheese containing, or processed from, such cheeses (provided for in item 117.60, 117.75, or 117.88):		
	European Economic Community	7,716,100	3,500,000
	Austria	2,028,232	920,000
	Finland	2,204,600	1,000,000
	Switzerland	3,196,670	1,450,000
	Portugal	275,575	125,000
	Other	175,999	79,833
950.10D	Cheeses and substitutes for cheese provided for in item 117.75 or 117.88 (except cheese not containing cow's milk and soft ripened cow's milk cheese, cheese (except cottage cheese) containing 0.5 percent or less by weight of butterfat, and articles within the scope of other import quotas provided for in this part):		
	European Economic community	44,092,000	20,000,000
	Finland	2,865,980	1,300,000
	Iceland	712,085	323,000
	Norway	330,690	150,000
	Poland	2,063,999	936,224
	Sweden	2,334,671	1,059,000
	Switzerland	3,571,452	1,620,000
	New Zealand	24,960,481	11,322,000
	Canada	2,515,448	1,141,000
	[Whenever . . . :]		
	[Cheeses . . . :]		
	[Cheeses . . . :]		
	Portugal	1,005,297	456,000
	Austria	1,432,990	650,000
	Israel	1,483,695,	673,000,
	(no more than		(no more than
	352,736		160,000

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in Kilograms)
		of which shall contain more than 3 percent by weight of butterfat)	of which shall contain more than 3 percent by weight of butterfat)
	Argentina	220,480	100,000
	Australia	2,314,830	1,050,000
	Other	287,997	130,635
950.10E	Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, provided for in item 117.75 or 117.88 (except articles within the scope of other import quotas provided for in this part):		
	European Economic Community	8,818,400	4,000,000
	Poland	385,599	174,907
	Australia	551,150	250,000
	New Zealand	2,204,800	1,000,000
	Sweden	551,150	250,000
	Israel	110,230	50,000
	Other	2	1
	[Whenever . . .:]		
950.11	Malted milk, and articles of milk or cream (provided for in item 118.30)	6,000	2,721
950.15	Chocolate provided for in item 156.30 containing over 5.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection):		
	Ireland	9,450,000	4,286,491
	United Kingdom	7,450,000	3,379,297
	Netherlands	100,000	45,359
	Australia	4,409,200	2,000,000
	New Zealand	2	1
	Other	None	None
950.16	Chocolate provided for in item 156.30 and articles containing chocolate provided for in item 182.99, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection):		
	United Kingdom	930,000	421,845
	Ireland	3,750,000	1,700,988
	New Zealand	2	1
	Other	None	None"