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# Presidential Documents

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Title 3—

Proclamation 7991 of March 24, 2006

The President

## To Implement Certain Provisions of the Dominican Republic-Central America-United States Free Trade Agreement With Respect to El Salvador

By the President of the United States of America

### A Proclamation

1. On August 5, 2004, the United States entered into the Dominican Republic-Central America-United States Free Trade Agreement (Agreement) with Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua. The Agreement was approved by the Congress in section 101(a) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (the “Act”) (Public Law 109–53, 119 Stat. 462) (19 U.S.C. 4001 note).

2. Section 201 of the Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply Article 3.3 and Annex 3.3 (including the schedule of United States duty reductions with respect to originating goods) of the Agreement.

3. Presidential Proclamation 7987 of February 28, 2006, modified the Harmonized Tariff Schedule of the United States (HTS) to provide for the preferential tariff treatment being accorded under the Agreement for certain goods of El Salvador.

4. Section 604 of the Trade Act of 1974 (the “1974 Act”) (19 U.S.C. 2483), as amended, authorizes the President to embody in the HTS the substance of relevant provisions of that Act, or other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 201 of the Act, section 301 of title 3, United States Code, and section 604 of the 1974 Act, do proclaim that:

(1) In order to provide for the preferential tariff treatment being accorded under the Agreement for certain sugar and sugar-containing goods of El Salvador and to provide a tariff-rate quota for such goods of El Salvador, the HTS is modified as set forth in the Annex to this proclamation.

(2) The amendments to the HTS made by paragraph (1) of this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date of this proclamation.

(3) 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-fourth day of March, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

A handwritten signature in black ink, appearing to read "G. W. Bush". The signature is fluid and cursive, with a large initial "G" and a distinct "W" and "B".

**ANNEX**

Effective with respect to goods of El Salvador under the terms of general note 29 to the Harmonized Tariff Schedule of the United States (HTS) that are entered, or withdrawn from warehouse for consumption, on or after the date of signature of this proclamation, the HTS is modified as follows:

(1). The Rates of Duty 1-Special subcolumn is modified by inserting in such subcolumn, for each of the subheadings listed in Column A below, the phrase in Column B opposite such subheading.

<u>Column A</u>	<u>Column B</u>
1701.11.50	See 9822.05.20 (P+)
1701.12.50	See 9822.05.20 (P+)
1701.91.30	See 9822.05.20 (P+)
1701.91.48	See 9822.05.20 (P+)
1701.91.58	See 9822.05.20 (P+)
1701.99.50	See 9822.05.20 (P+)
1702.20.28	See 9822.05.20 (P+)
1702.30.28	See 9822.05.20 (P+)
1702.40.28	See 9822.05.20 (P+)
1702.60.28	See 9822.05.20 (P+)
1702.90.20	See 9822.05.20 (P+)
1702.90.58	See 9822.05.20 (P+)
1702.90.68	See 9822.05.20 (P+)
1704.90.68	See 9822.05.20 (P+)
1704.90.78	See 9822.05.20 (P+)
1806.10.15	See 9822.05.20 (P+)
1806.10.28	See 9822.05.20 (P+)
1806.10.38	See 9822.05.20 (P+)
1806.10.55	See 9822.05.20 (P+)
1806.10.75	See 9822.05.20 (P+)
1806.20.73	See 9822.05.20 (P+)
1806.20.77	See 9822.05.20 (P+)
1806.20.94	See 9822.05.20 (P+)
1806.20.98	See 9822.05.20 (P+)
1806.90.39	See 9822.05.20 (P+)
1806.90.49	See 9822.05.20 (P+)
1806.90.59	See 9822.05.20 (P+)
1901.20.25	See 9822.05.20 (P+)
1901.20.35	See 9822.05.20 (P+)
1901.20.60	See 9822.05.20 (P+)
1901.20.70	See 9822.05.20 (P+)
1901.90.54	See 9822.05.20 (P+)
1901.90.58	See 9822.05.20 (P+)
2101.12.38	See 9822.05.20 (P+)
2101.12.48	See 9822.05.20 (P+)
2101.12.58	See 9822.05.20 (P+)
2101.20.38	See 9822.05.20 (P+)
2101.20.48	See 9822.05.20 (P+)
2101.20.58	See 9822.05.20 (P+)
2103.90.78	See 9822.05.20 (P+)
2106.90.46	See 9822.05.20 (P+)

<u>Column A</u>	<u>Column B</u>
2106.90.72	See 9822.05.20 (P+)
2106.90.76	See 9822.05.20 (P+)
2106.90.80	See 9822.05.20 (P+)
2106.90.91	See 9822.05.20 (P+)
2106.90.94	See 9822.05.20 (P+)
2106.90.97	See 9822.05.20 (P+)

(2). Subchapter XXII to chapter 98 is modified by inserting the following new notes and provisions in numerical sequence, with the columnar material related to new subheading 9822.05.20 inserted in the columns labeled "Heading/Subheading", "Article Description", and "Rates of Duty 1 Special", respectively:

"23. For purposes of this subchapter, the term "goods described in U.S. note 23 to this subchapter" means goods entered under subheading 9822.05.20. Such goods must satisfy the requirements of general note 29(a) to the tariff schedule, except that operations performed in, or material obtained from, the United States shall be considered as if the operations were performed in, and the material was obtained from, a country that is not a party to the Agreement as defined in general note 29(a) to the tariff schedule. For purposes of determining which country-specific tariff-rate quota applies to such a good, the nonpreferential rules of origin used in the normal course of trade shall be applied.

25. (a) In the period of March 24, 2006 through December 31, 2006, the aggregate quantity of goods described in U.S. note 23 to this subchapter of each party to the Agreement as defined in general note 29(a) enumerated in the table below that is entered under subheading 9822.05.20 shall be limited to the aggregate quantity (set forth in metric tons) specified below for that country:

El Salvador	24,000
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(b) (i) Beginning in 2007 and in successive years thereafter, the Office of the United States Trade Representative shall publish in the Federal Register a determination for that calendar year, using the most recent annual data available, of the amount of the trade surplus (the amount by which a country's exports to all destinations exceeds its imports from all sources), by volume, of each party to the Agreement as defined in general note 29(a) to the tariff schedule for goods classified in the following subheadings:

1701.11, 1701.12, 1701.91, 1701.99, 1702.40 and 1702.60,

except that a country's exports to the United States of goods classified under subheadings 1701.11, 1701.12, 1701.91 and 1701.99 and its imports of originating goods of the United States classified under subheadings 1702.40 and 1702.60 shall not be included in the calculation of a country's trade surplus.

(ii) The aggregate quantity of goods described in U.S. note 23 to this subchapter of each party to the Agreement as defined in general note 29(a) that may be entered under subheading 9822.05.20 in any calendar year set forth herein shall be the quantity of goods equal to the lesser of the amount of that country's trade surplus determined under subdivision (b)(i) of this note or the aggregate quantity of goods specified below for that country for that year.

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	
		(metric tons)			
El Salvador	24,480	24,960	28,000	28,560	
	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
		(metric tons)			
El Salvador	29,120	29,680	31,000	31,620	32,240

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
			(metric tons)		
El Salvador	32,860	34,000	34,680	35,360	36,040
	<u>2021</u>				
	(metric tons)				
El Salvador	36,720				

In each successive calendar year after 2021, the aggregate quantity for each enumerated country shall be increased, from the aggregate quantity permitted in the prior calendar year, by the quantity set forth herein:

	<u>Quantity</u>
	(metric tons)
El Salvador	680

The quantities of goods of subheadings 1701.11.50, 1701.12.50, 1701.91.30, 1701.99.50, 1702.90.20 and 2106.90.46 that are entered under subheading 9822.05.20 shall be determined on a raw-value equivalent basis. For purposes of this note, the term "raw value" means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations or instructions issued by the Secretary of the Treasury. Such regulations or instructions may, among other things, provide: (i) for the entry of such articles pending a final determination of polarity; and (ii) that positive or negative adjustments for differences in preliminary and final raw values be made in the same or succeeding quota periods. The principal grades and types of sugar shall be translated into terms of raw value in the following manner--

- (A) For articles described in subheadings 1701.11.50, 1701.12.50, 1701.91.30, 1701.99.50 and 2106.90.46 by multiplying the number of kilograms thereof by the greater of 0.93, or 1.07 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).
- (B) For articles described in subheading 1702.90.20, by multiplying the number of kilograms of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.

	:Goods described in U.S. note 23 to this subchapter:	:	:	:
	: Of a party to the Agreement as defined in general	:	:	:
	: note 29(a) to the tariff schedule:	:	:	:
9822.05.20	: Goods provided for in subheading 1701.11.50,	:	:	:
	: 1701.12.50, 1701.91.30, 1701.91.48,	:	:	:
	: 1701.91.58, 1701.99.50, 1702.20.28,	:	:	:
	: 1702.30.28, 1702.40.28, 1702.60.28,	:	:	:
	: 1702.90.20, 1702.90.58, 1702.90.68,	:	:	:
	: 1704.90.68, 1704.90.78, 1806.10.15,	:	:	:
	: 1806.10.28, 1806.10.38, 1806.10.55,	:	:	:
	: 1806.10.75, 1806.20.73, 1806.20.77,	:	:	:
	: 1806.20.94, 1806.20.98, 1806.90.39,	:	:	:
	: 1806.90.49, 1806.90.59, 1901.20.25,	:	:	:
	: 1901.20.35, 1901.20.60, 1901.20.70,	:	:	:
	: 1901.90.54, 1901.90.58, 2101.12.38,	:	:	:
	: 2101.12.48, 2101.12.58, 2101.20.38,	:	:	:
	: 2101.20.48, 2101.20.58, 2103.90.78,	:	:	:
	: 2106.90.46, 2106.90.72, 2106.90.76,	:	:	:
	: 2106.90.80, 2106.90.91, 2106.90.94 or	:	:	:
	: 2106.90.97, subject to the quantitative limits	:	:	:
	: specified in U.S. note 25 to this subchapter . . . .	:	:Free (P+)"	:
	:	:	:	: