

Presidential Documents

Title 3—**The President****Proclamation 7154 of December 3, 1998****To Terminate Temporary Duties on 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 were 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, pursuant to section 311(a) of the North American Free Trade Agreement Implementation Act (“the NAFTA Implementation Act”) (19 U.S.C. 3371(a)), the USITC found that imports of such brooms produced in Mexico, considered individually, accounted for a substantial share of total imports of broom corn brooms and contributed importantly to the serious injury caused by imports, but that such brooms produced in Canada did 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 November 28, 1996, pursuant to section 203 of the Trade Act (19 U.S.C. 2253), I issued Proclamation 6961, which temporarily increased or imposed duties 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 exceeded certain specified annual levels, HTS subheading 9603.10.60. The increase in, or imposition of, duties was made effective for a three-year period for 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 determined that this action would facilitate efforts by the domestic industry to make a positive adjustment to import competition and would provide greater economic and social benefits than costs. On January 27, 1997, I issued Proclamation 6969, making certain technical corrections to the HTS provisions covered by Proclamation 6961.

3. On May 11, 1998, acting under my delegation of authority, and pursuant to section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the United States Trade Representative asked the USITC to provide a report on developments with respect to the domestic broom corn broom industry since November 28, 1996, including the progress and specific efforts made by workers and firms in the industry to make a positive adjustment to import competition. The USITC report in Investigation Number 332–394, issued August 10, 1998, has been provided to me.

4. Following issuance of the USITC report, I received advice from the Secretary of Commerce and the Secretary of Labor, as well as from other interested agencies, regarding the effectiveness of efforts undertaken by the domestic broom corn broom industry to make a positive adjustment to import competition.

5. Section 204(b)(1)(A) of the Trade Act (19 U.S.C. 2254(b)(1)(A)) authorizes the President to reduce, modify, or terminate a safeguard action if, after taking into account any report or advice submitted by the USITC and receiving advice from the Secretary of Commerce and the Secretary of Labor, the President determines that changed circumstances warrant the reduction, modification, or termination. The President's determination may be made, inter alia, on the basis that the domestic industry has not made adequate efforts to make a positive adjustment to import competition. Under section 201(b) of the Trade Act (19 U.S.C. 2251(b)), a positive adjustment occurs when the domestic industry is able to compete successfully with imports after the termination of the import relief or when the domestic industry experiences an orderly transfer of resources to other productive pursuits, and when dislocated workers in the industry experience an orderly transition to productive pursuits.

6. In view of the information provided in the USITC's report, and based on advice from the Secretary of Commerce and the Secretary of Labor, I find that the broom corn broom industry has not made adequate efforts to make a positive adjustment to import competition. Accordingly, I have determined pursuant to section 204(b)(1)(A) of the Trade Act that termination of the action I took under section 203 of that Act with respect to broom corn broom imports is warranted.

7. Section 604 of the Trade 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 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 204 and 604 of the Trade Act, do proclaim that:

(1) The HTS is modified as provided in the Annex to this proclamation.

(2) 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.

(3) The modifications to the HTS made by this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date specified in the Annex hereto.

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



Annex**Modifications to the Harmonized Tariff Schedule of the United States**

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date of signature of this proclamation, chapters 96 and 99 of the Harmonized Tariff Schedule of the United States are hereby modified as follows:

- a. Subheading 9603.10.50 is modified by inserting in alphabetical sequence in the parenthetical expression in column 1-special the symbol “,MX”.
- b. Subheadings 9903.96.01 through 9903.96.19, inclusive, and any superior text related thereto are deleted.
- c. Subheading 9906.96.02 is modified by striking “32.5%” from column 1-special and by inserting in lieu thereof “22.4%”. The provisions of Presidential Proclamation 6961 suspending previously proclaimed concessions regarding brooms, wholly or in part of broom corn, that are goods of Mexico under the terms of general note 12 to the tariff schedule are terminated, and all such previously proclaimed concessions, under Proclamation 6641 of December 15, 1993, shall be implemented as scheduled in such Proclamation.

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