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Part VII

The President

Proclamation 8157—To Modify Duty-Free Treatment Under the Generalized System of Preferences, Take Certain Actions Under the African Growth and Opportunity Act, and for Other Purposes

Presidential Documents

Title 3—

Proclamation 8157 of June 28, 2007

The President

To Modify Duty-Free Treatment Under the Generalized System of Preferences, Take Certain Actions Under the African Growth and Opportunity Act, and for Other Purposes

By the President of the United States of America

A Proclamation

1. Pursuant to section 503(c)(2)(A) of the Trade Act of 1974, as amended (the “1974 Act”)(19 U.S.C. 2463(c)(2)(A)), 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 Generalized System of Preferences (GSP) to eligible articles.
2. Section 503(c)(2)(C) of the 1974 Act (19 U.S.C. 2463(c)(2)(C)) provides that a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the competitive need limitations in section 503(c)(2)(A) of the 1974 Act during the preceding calendar year.
3. 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)).
4. Pursuant to section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)), the President may waive the application of the competitive need limitations in section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) with respect to any eligible article from any beneficiary developing country if certain conditions are met.
5. Pursuant to section 503(d)(5) of the 1974 Act (19 U.S.C. 2463(d)(5)), any waiver granted under section 503(d) shall remain in effect until the President determines that such waiver is no longer warranted due to changed circumstances.
6. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2006 certain beneficiary developing countries have exported certain eligible articles in quantities exceeding the applicable competitive need limitation, and I therefore terminate the duty-free treatment for such articles from such beneficiary developing countries.
7. Pursuant to section 503(c)(2)(C) of the 1974 Act, and subject to the considerations set forth in sections 501 and 502 of the 1974 Act (19 U.S.C. 2461 and 2462), I have determined to redesignate certain countries as beneficiary developing countries with respect to certain eligible articles that previously had been imported in quantities exceeding the competitive need limitations of section 503(c)(2)(A) of the 1974 Act.
8. Pursuant to section 503(c)(2)(F) 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.

9. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the United States International Trade Commission (USITC) on whether any industries in the United States are likely to be adversely affected by such waivers, and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) of the 1974 Act, 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)(A) of the 1974 Act should be waived with respect to certain eligible articles from certain beneficiary developing countries.

10. Pursuant to section 503(d)(5) of the 1974 Act, I have determined that certain previously granted waivers of the competitive need limitations of section 503(c)(2)(A) of the 1974 Act are no longer warranted due to changed circumstances.

11. Section 506A(a)(1) of the 1974 Act (19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (title I of Public Law 106–200)(AGOA), authorizes the President to designate a country listed in section 107 of the AGOA (19 U.S.C. 3706) as a beneficiary sub-Saharan African country if the President determines that the country meets the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703), as well as the eligibility criteria set forth in section 502 of the 1974 Act (19 U.S.C. 2462).

12. Section 104 of the AGOA authorizes the President to designate a country listed in section 107 of the AGOA as an eligible sub-Saharan African country if the President determines that the country meets certain eligibility requirements.

13. Section 112(c) of the AGOA (19 U.S.C. 3721(c)) provides special rules for certain apparel articles imported from lesser developed beneficiary sub-Saharan African countries.

14. In Proclamation 7970 of December 22, 2005, I determined that the Islamic Republic of Mauritania (Mauritania) was not making continual progress in meeting the requirements described in section 506A(a)(1) of the 1974 Act and terminated the designation of Mauritania as a beneficiary sub-Saharan African country for purposes of section 506A of the 1974 Act.

15. Pursuant to section 104 of the AGOA and section 506A(a)(1) of the 1974 Act, I have determined that Mauritania now meets the eligibility requirements set forth or referenced therein, and I have decided to redesignate Mauritania as an eligible sub-Saharan African country and beneficiary sub-Saharan African country.

16. I further determine that Mauritania satisfies the criterion for treatment as a “lesser developed beneficiary sub-Saharan African country” under section 112(c) of the AGOA.

17. Presidential Proclamation 8114 of March 19, 2007, implemented section 112 of the AGOA, as amended in section 6002 of the Africa Investment Incentive Act of 2006 (Division D, Title VI, Public Law 109–432)(19 U.S.C. 3721(c)(2)(A)). Technical corrections to the Harmonized Tariff Schedule of the United States (HTS) are necessary to implement the intended tariff treatment.

18. In Presidential Proclamation 8097 of December 29, 2006, I modified the HTS, pursuant to section 1206 of the Omnibus Trade and Competitiveness Act of 1988 (the “1988 Act”) (19 U.S.C. 3006), to conform it to the International Convention on the Harmonized Commodity Description and Coding System (the “Convention”). Additional conforming changes to the HTS are required to implement the intended tariff treatment.

19. Section 2004(b)(1)(B) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429) amended section 213(b)(2)(A)(v) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)(v)). A modification to the HTS needs to be made to reflect this amendment.

20. On April 22, 1985, the United States entered into the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the "Israel FTA"), which the Congress approved in the United States-Israel Free Trade Area Implementation Act of 1985 (the "Israel FTA Act") (19 U.S.C. 2112 note). In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the "2004 Agreement").

21. Presidential Proclamation 7826 of October 4, 2004, implemented the 2004 Agreement. Technical corrections to the HTS are necessary to reflect the tariff treatment intended under the 2004 Agreement for the years 2007 and 2008.

22. Section 604 of the 1974 Act, as amended (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, 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, including but not limited to title V and section 604 of the 1974 Act, section 4 of the Israel FTA Act, section 1206 of the 1988 Act, and section 104 of the AGOA, do hereby proclaim: (1) In order to provide that one or more countries that have not been treated as beneficiary developing countries with respect to one or more eligible articles should be redesignated as beneficiary developing countries with respect to such article or articles for purposes of the GSP, and, 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, general note 4(d) to the HTS is modified as set forth in section A of Annex I to this proclamation.

(2) In order to designate certain articles as eligible articles for purposes of the GSP when imported from any beneficiary developing country, the Rates of Duty 1-Special subcolumn for such HTS subheadings is modified as set forth in section B(1) of Annex I to this proclamation.

(3) In order to provide that one or more countries should not be treated as beneficiary developing countries with respect to certain eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for such HTS subheadings is modified as set forth in section B(2) of Annex I to this proclamation.

(4) 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.

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

(6) The waivers of the application of section 503(c)(2)(A) of the 1974 Act to the articles in the HTS subheading and to the beneficiary developing countries listed in Annex IV to this proclamation are revoked.

(7) Mauritania is designated as an eligible sub-Saharan African country and as a beneficiary sub-Saharan African country.

(8) In order to reflect this designation in the HTS, general note 16(a) to the HTS is modified by inserting in alphabetical sequence in the list of beneficiary sub-Saharan African countries "Islamic Republic of Mauritania," effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2007.

(9) For purposes of section 112(c) of the AGOA, Mauritania is a lesser developed beneficiary sub-Saharan African country.

(10) In order to provide the tariff treatment intended under section 112 of the AGOA, as amended, the HTS is modified as set forth in section A of Annex V to this proclamation.

(11) In order to conform the HTS to the Convention or any amendment thereto recommended for adoption, to promote the uniform application of the Convention, to establish additional subordinate tariff categories, and to make technical and conforming changes to existing provisions, the HTS is modified as set forth in section B of Annex V to this proclamation.

(12) In order to implement section 2004(b)(1)(B) of the Miscellaneous Trade and Technical Corrections Act of 2004, the HTS is modified as set forth in section C of Annex V to this proclamation.

(13) In order to provide the tariff treatment intended under the 2004 Agreement, the HTS is modified as set forth in section D of Annex V to this proclamation.

(14) The modifications to the HTS set forth in Annexes I, IV, and V to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the respective annex.

(15) 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-eighth day of June, in the year of our Lord two thousand seven, and of the Independence of the United States of America the two hundred and thirty-first.



ANNEX I

Modifications to the Harmonized Tariff Schedule of the United States (HTS)

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2007, general note 4(d) to the HTS is modified by:

(1). deleting the following subheading numbers and the countries set out opposite such subheading numbers:

0603.19.00	Colombia	4107.99.60	Colombia
0708.20.10	Peru	6501.00.60	Colombia; Ecuador
0712.90.30	Peru	7113.19.21	Peru
0714.20.10	Colombia	7801.99.30	Colombia
2008.19.25	Peru	7905.00.00	Peru
2611.00.60	Bolivia		
2928.00.10	Colombia		
3201.90.50	Peru		

(2). deleting the following countries set out opposite the following subheading numbers:

2004.10.40	Peru
2805.40.00	Peru

(3). adding, in numerical sequence, the following subheading numbers and the countries set out opposite such subheading numbers:

0802.90.94	Cote d'Ivoire	7113.19.50	India; Thailand
2008.99.80	Brazil	7202.99.10	Brazil
2810.00.00	Turkey	8502.31.00	India
2841.90.20	Kazakhstan	8528.71.10	India
2926.90.30	India	8528.72.64	Thailand
4012.12.80	Jordan	8528.72.80	India
4104.41.50	Brazil	8544.30.00	Philippines
4418.60.00	Brazil	8708.30.50	Brazil
4418.72.20	Brazil	9405.50.30	India
4418.79.00	Brazil		
4418.90.46	Brazil		

(4). adding, in alphabetical order, the countries set out opposite the following subheading numbers:

1602.50.09	Argentina	3907.60.00	Thailand
2905.11.20	Venezuela	7403.11.00	Kazakhstan
7408.11.60	Brazil		
7408.19.00	Turkey		

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2007, the HTS is modified as provided in this section.

(1). For the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A*" and inserting an "A" in lieu thereof.

0603.19.00	3201.90.50
0708.20.10	4107.99.60
0712.90.30	6501.00.60
0714.20.10	7113.19.21
2008.19.25	7801.99.30
2611.00.60	7905.00.00
2928.00.10	

(2). For the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting an "A*" in lieu thereof:

0802.90.94	7113.19.50
2008.99.80	7202.99.10
2810.00.00	8502.31.00
2841.90.20	8528.71.10
2926.90.30	8528.72.64
4012.12.80	8528.72.80
4104.41.50	8544.30.00
4418.60.00	8708.30.50
4418.72.20	9405.50.30
4418.79.00	
4418.90.46	

ANNEX II

HTS Subheadings and Countries for which the Competitive Need Limitation Provided in Section 503(c)(2)(A)(i)(II) of the 1974 Act is Disregarded

0202.30.02	Uruguay	0804.10.60	Pakistan
0410.00.00	Indonesia	0804.20.60	Turkey
0708.10.20	Peru	0810.60.00	Thailand
0711.90.30	Turkey	0813.40.10	Thailand
0711.40.00	India	0813.40.80	Thailand
0713.90.60	India	1007.00.00	Argentina
0802.50.20	Turkey	1301.90.40	India
1401.90.40	Argentina	1703.10.30	Brazil
1601.00.40	Brazil	1703.90.30	Lebanon
1604.14.50	Ecuador	1806.10.43	Ecuador
1701.91.80	Brazil	1806.20.78	Brazil
1702.90.05	India	1901.20.45	Argentina
1702.90.52	Indonesia	2001.90.45	India

2006.00.70	Thailand	4101.20.35	Thailand
2008.99.50	Thailand	4101.50.40	Brazil
2009.39.20	Brazil	4101.90.35	Colombia
2306.30.00	Argentina	4104.11.50	Argentina
2306.50.00	Thailand	4104.19.30	Pakistan
2827.39.45	India	4104.41.30	Brazil
2830.90.20	Russia	4104.41.40	Argentina
2831.90.00	India	4106.21.90	India
2833.29.30	India	4106.22.00	Pakistan
2840.11.00	Turkey	4107.11.40	India
2840.19.00	Turkey	4107.11.60	Brazil
2843.30.00	Brazil	4107.12.40	India
2903.19.10	India	4107.12.70	Colombia
2903.51.00	India	4107.19.40	Pakistan
2903.69.05	India	4107.19.60	Argentina
2907.29.25	India	4107.91.40	India
2908.99.20	India	4202.22.35	India
2909.30.10	India	4202.92.04	Philippines
2909.50.40	Indonesia	4412.31.25	Paraguay
2912.49.10	India	5007.10.30	India
2913.00.50	India	5208.31.20	India
2914.40.10	Brazil	5208.41.20	India
2914.40.20	India	5209.31.30	India
2918.21.50	Brazil	5209.41.30	India
2921.42.21	India	6304.99.25	India
2921.42.55	India	7202.11.10	Georgia
2922.29.26	India	7202.99.20	Argentina
2926.10.00	Brazil	8112.12.00	Kazakhstan
2926.90.08	India	8112.59.00	Russia
2927.00.30	India	8401.20.00	Russia
2933.19.45	India	8528.72.44	Thailand
2933.99.85	India	9027.50.10	Philippines
2934.20.35	India	9603.10.90	Sri Lanka
2934.99.16	Brazil		
3301.24.00	India		
3808.50.10	Argentina		
3808.94.10	Argentina		
3824.90.32	Brazil		
4006.10.00	India		

ANNEX III

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

2836.91.00 Argentina

4011.20.10	Thailand
5703.10.20	India

ANNEX IV

HTS Subheadings and Countries for which a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act is Revoked

Effective July 1, 2007, the waiver of the application of section 503(c)(2)(A) of the 1974 Act is revoked for the following HTS subheadings and the countries set out opposite such subheadings.

0802.90.94	Cote d'Ivoire	8544.30.00	Philippines
2905.11.20	Venezuela	8708.30.50	Brazil
7113.19.50	India	9405.50.30	India
7113.19.50	Thailand		
7202.99.10	Brazil		

ANNEX V

Technical and Conforming Changes to the Harmonized Tariff Schedule of the United States (HTS)

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 2006, the HTS is modified as provided in this section.

(1). U.S. note 2(b) to subchapter XIX of chapter 98 is modified by deleting “in each of the one-year periods beginning on October 1, 2002, through October 1, 2006,” and inserting “in each of the one-year periods beginning on October 1, 2002, through October 1, 2011,” in lieu thereof.

(2). The article description of subheading 9819.11.12 is modified by deleting “September 30, 2007,” and inserting “September 30, 2012,” in lieu thereof.

(3). The article description of subheading 9819.15.15 is superseded by the following:

“Of the first fabric or yarn which the U.S. International Trade Commission has determined is produced in beneficiary sub-Saharan African countries in commercial quantities for use by lesser-developed beneficiary sub-Saharan African countries, and specified in a notice published in the *Federal Register*.”

(4). The article description of subheading 9819.15.18 is superseded by the following:

“Of the second fabric or yarn which the U.S. International Trade Commission has determined is produced in beneficiary sub-Saharan African countries in commercial quantities for use by lesser-developed beneficiary sub-Saharan African countries, and specified in a notice published in the *Federal Register*.”

(5). The article description of subheading 9819.15.21 is superseded by the following:

“Of the third fabric or yarn which the U.S. International Trade Commission has determined is produced in beneficiary sub-Saharan African countries in commercial quantities for use by lesser-developed beneficiary sub-Saharan African countries, and specified in a notice published in the *Federal Register*.”

- (6). The article description of subheading 9819.15.24 is superseded by the following:

“Of the fourth fabric or yarn which the U.S. International Trade Commission has determined is produced in beneficiary sub-Saharan African countries in commercial quantities for use by lesser-developed beneficiary sub-Saharan African countries, and specified in a notice published in the *Federal Register*.”

- (7). The article description of subheading 9819.15.27 is superseded by the following:

“Of the fifth fabric or yarn which the U.S. International Trade Commission has determined is produced in beneficiary sub-Saharan African countries in commercial quantities for use by lesser-developed beneficiary sub-Saharan African countries, and specified in a notice published in the *Federal Register*.”

- (8). The article description of subheading 9819.15.30 is superseded by the following:

“Of the sixth fabric or yarn which the U.S. International Trade Commission has determined is produced in beneficiary sub-Saharan African countries in commercial quantities for use by lesser-developed beneficiary sub-Saharan African countries, and specified in a notice published in the *Federal Register*.”

- (9). The article description of subheading 9819.15.33 is superseded by the following:

“Of the seventh fabric or yarn which the U.S. International Trade Commission has determined is produced in beneficiary sub-Saharan African countries in commercial quantities for use by lesser-developed beneficiary sub-Saharan African countries, and specified in a notice published in the *Federal Register*.”

- (10). The article description of subheading 9819.15.36 is superseded by the following:

“Of the eighth fabric or yarn which the U.S. International Trade Commission has determined is produced in beneficiary sub-Saharan African countries in commercial quantities for use by lesser-developed beneficiary sub-Saharan African countries, and specified in a notice published in the *Federal Register*.”

- (11). The article description of subheading 9819.15.39 is superseded by the following:

“Of the ninth fabric or yarn which the U.S. International Trade Commission has determined is produced in beneficiary sub-Saharan African countries in commercial quantities for use by lesser-developed beneficiary sub-Saharan African countries, and specified in a notice published in the *Federal Register*.”

- (12). The article description of subheading 9819.15.42 is superseded by the following:

“Of the tenth fabric or yarn which the U.S. International Trade Commission has determined is produced in beneficiary sub-Saharan African countries in commercial quantities for use by lesser-developed beneficiary sub-Saharan African countries, and specified in a notice published in the *Federal Register*.”

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after February 3, 2007, the HTS is modified as provided in this section.

(1). General note 4(d) is modified by deleting the following subheading number and the country set out opposite such subheading number:

8708.60.80 Argentina

(2). The article description of subheading 8504.50.40 is superseded by the following:

“For power supplies for automatic data processing machines or units thereof of heading 8471; for power supplies for goods of subheading 8443.31 or 8443.32; for power supplies for monitors of subheading 8528.41 or 8528.51 or projectors of subheading 8528.61; for telecommunication apparatus”

(3). The article description of the superior subheading immediately preceding subheading 8504.90.20 is superseded by the following:

“Of power supplies for automatic data processing machines or units thereof of heading 8471; of power supplies for goods of subheading 8443.31 or 8443.32; of power supplies for monitors of subheading 8528.41 or 8528.51 or projectors of subheading 8528.61:”

(4). The article descriptions of the headings of chapter 99 that are enumerated in the first column of the table set forth below are modified by deleting the subheading number set out opposite such headings in the second column of the table and by inserting in lieu thereof the subheading number or numbers set out opposite such subheading number in the third column of the table:

9902.11.14	3808.10.50	3808.91.50
9902.22.53	6402.91.05	6402.91.05 or 6402.99.04
9902.24.35	3808.50.10	3808.91.25
9902.25.37	3808.10.25	3808.91.25
9902.25.39	3808.40.10	3808.94.10

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after December 18, 2004, the article description of subheading 9820.11.24 of the HTS is modified by deleting “from fabrics or yarn not formed in the United States or in one or more such countries”.

Section D. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 15, 2007, the HTS is modified as provided in this section.

(1). U.S. note 3 to subchapter VIII of chapter 99 is modified by:

- (a). deleting “443,370” and inserting “443,000” in lieu thereof; and
- (b). deleting “465,539” and inserting “466,000” in lieu thereof.

(2). U.S. note 4 to subchapter VIII of chapter 99 is modified by:

- (a). deleting “1,267,563” and inserting “1,266,000” in lieu thereof; and

- (b). deleting "1,305,590" and inserting "1,304,000" in lieu thereof.
- (3). U.S. note 5 to subchapter VIII of chapter 99 is modified by:
 - (a). deleting "1,397,598" and inserting "1,467,000" in lieu thereof; and
 - (b). deleting "1,439,526" and inserting "1,534,000" in lieu thereof.
- (4). U.S. note 6 to subchapter VIII of chapter 99 is modified by:
 - (a). deleting "126,756" and inserting "127,000" in lieu thereof; and
 - (b). deleting "130,559" and inserting "131,000" in lieu thereof.
- (5). U.S. note 7 to subchapter VIII of chapter 99 is modified by:
 - (a). deleting "(liters)" and inserting "(kg)" in lieu thereof;
 - (b). deleting "442,901" and inserting "643,000" in lieu thereof; and
 - (c). deleting "456,188" and inserting "707,000" in lieu thereof.

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