

Presidential Documents

Proclamation 8536 of June 12, 2010

To Implement Certain Provisions of the Dominican Republic-Central America-United States Free Trade Agreement With Respect to Costa Rica, and for Other Purposes

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 (the "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 "CAFTA-DR Act") (Public Law 109-53, 119 Stat. 462) (19 U.S.C. 4011(a)).
2. Section 201(a) of the CAFTA-DR Act (19 U.S.C. 4031(a)) 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 (which includes the schedule of United States duty reductions with respect to originating goods) of the Agreement.
3. Presidential Proclamation 8331 of December 23, 2008, 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 Costa Rica, including tariff-rate quotas for certain goods.
4. Presidential Proclamation 8405 of August 31, 2009, modified certain rules of origin of the North American Free Trade Agreement (NAFTA). Three technical errors were made in the modifications of general note 12 to the HTS as provided in Annex I of Publication 4095 of the United States International Trade Commission entitled "Modifications to the Harmonized Tariff Schedule of the United States to Adjust Rules of Origin Under the North American Free Trade Agreement," which was incorporated by reference into Proclamation 8405.
5. I have determined that technical corrections to general note 12 to the HTS are necessary to provide the tariff and certain other treatment accorded under the NAFTA to originating goods.
6. Presidential Proclamation 8214 of December 27, 2007, modified the rules of origin set out in Annexes 3A and 3B of the United States-Singapore Free Trade Agreement (USSFTA). Two technical errors were made in Annex II to that proclamation modifying general note 25 to the HTS.
7. I have determined that technical corrections to general note 25 to the HTS are necessary to provide the tariff and certain other treatment accorded under the USSFTA to originating goods.
8. Proclamation 8214 also modified the rules of origin set out in Annex 4.1 to the United States-Chile Free Trade Agreement (USCFTA). Two technical errors were made in Annex I to that proclamation modifying general note 26 to the HTS.
9. I have determined that technical corrections to general note 26 are necessary to provide the tariff and certain other treatment accorded under the USCFTA to originating goods.

10. 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, and of other Acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 201(a) of the CAFTA–DR Act 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 Costa Rica and to provide a tariff-rate quota for such goods of Costa Rica, the HTS is modified as set forth in Annex I to this proclamation.

(2) The amendments to the HTS set forth in Annex I of this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after June 15, 2010.

(3) In order to make technical corrections to general note 12 to the HTS, the HTS is modified as provided in section A of Annex II to this proclamation. The modifications to the HTS set forth in section A of Annex II shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after October 3, 2009.

(4) In order to make technical corrections to general note 25 to the HTS, the HTS is modified as provided in section B of Annex II to this proclamation.

(5) In order to make technical corrections to general note 26 to the HTS, the HTS is modified as provided in section C of Annex II to this proclamation.

(6) The modifications to the HTS set forth in sections B and C of Annex II to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after February 8, 2009.

(7) 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 twelfth day of June, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fourth.

A handwritten signature in black ink, appearing to be "Barack Obama", written in a cursive style. The signature is positioned to the right of the text of the proclamation.

ANNEX I
MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE
OF THE UNITED STATES

Effective with respect to goods of a party to the Agreement specified in general note 29(a) to the Harmonized Tariff Schedule of the United States (HTS) that are entered, or withdrawn from warehouse for consumption, on or after June 15, 2010, subchapter XXII of chapter 98 of the HTS is modified as provided herein, with bracketed material included to assist in the understanding of proclaimed modifications. The following supersedes matter now in the HTS.

(1) U.S. note 24 is modified by adding (a) after the word "subchapter" the expression "that may be", and (b) after the expression "in calendar year 2009" the expression "or in any subsequent calendar year".

(2) U.S. note 25 is modified by deleting subdivision (a) and by inserting in lieu thereof the following:

"(a) During the periods specified below, 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 shall be limited to the aggregate quantity (set forth in metric tons) specified below for the country listed:

<u>Period</u>	<u>Country</u>	<u>Metric tons</u>
March 24, 2006-December 31, 2006	El Salvador	24,000
April 1, 2006-December 31, 2006	Honduras	8,000
April 1, 2006-December 31, 2006	Nicaragua	22,000
July 1, 2006-December 31, 2006	Guatemala	32,000
March 1, 2007-December 31, 2007	Dominican Republic	0
January 1, 2009-December 31, 2009	Costa Rica	11,660
June 15, 2010-December 31, 2010	Costa Rica	11,880"

(3) U.S. note 25(b)(ii) is modified:

(a) by deleting "subdivision (a)" and by inserting in lieu thereof "subdivision (b) (ii)";

(b) by inserting in alphabetical sequence in the table in such subdivision the following country and its associated quantities set forth herein for each of the years specified in such subdivision:

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
"Costa Rica	12,100	12,320	12,540	12,760	12,980	13,200"
			(metric tons)			
	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	
"Costa Rica	13,420	13,640	13,860	14,080	14,300"	
			(metric tons)			

(c) by inserting in alphabetical sequence in the table in the final sentence of such subdivision the following country and associated quantity therefor:

	<u>Quantity</u>
"Costa Rica	(metric tons) 220"

ANNEX II
MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE
OF THE UNITED STATES

Section A: Technical corrections to general note 12 (North American Free Trade Agreement)

1. TCR 35 for chapter 29 is deleted and the following new TCR is inserted:

- "35A. A change to subheading 2916.11 through 2916.39 from any other subheading, including another subheading within that group.
- 35B. A change to subheading 2917.11 through 2917.33 from any other subheading, including another subheading within that group.
- 35C (A) A change to dibutyl orthophthalates of subheading 2917.34 from any other good of subheading 2917.34 or any other subheading; or
- (B) A change to any other good of subheading 2917.34 from dibutyl orthophthalates of subheading 2917.34 or any other subheading.
- 35D. A change to subheading 2917.35 through 2917.39 from any other subheading, including another subheading within that group."

2. TCR 36A for chapter 29 is deleted and the following new TCR is inserted:

- "36A. A change to subheading 2918.18 from phenylglycolic acid (mandelic acid), its salts or esters of subheading 2918.19 from any other good of subheading 2918.19, or any other subheading."

3. The following new TCR is inserted immediately following TCR 19 for chapter 87:

- "19A. A change to mounted brake linings of subheading 8708.30 from any other heading; or
- A change to mounted brake linings of subheading 8708.30 from parts of mounted brake linings, brakes or servo-brakes of subheading 8708.30 or 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method;
- A change to any other good of subheading 8708.30 from any other heading; or
- A change to any other good of subheading 8708.30 from mounted brake linings or parts of brakes or servo-brakes of subheading 8708.30, or 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method."

Section B: Technical corrections to general note 25 (United States-Singapore Free Trade Agreement)

1. TCRs 80 and 81 for chapter 84 are deleted and the following new TCRs are inserted:

- "80. A change to subheading 8442.30 from any other subheading.

81. A change to subheading 8442.40 from any other heading."

2. TCR 59 for chapter 85 is deleted and the following new TCRs is inserted:

"59. A change to subheading 8528.59 from any other subheading, except from subheadings 7011.20, 8528.49, 8540.11 or 8540.91."

Section C: Technical corrections to general note 26 (United States-Chile Free Trade Agreement)

1. TCR 90C for chapter 84 is deleted and the following new TCRs is inserted:

"90C. A change to subheading 8443.39 from any other subheading."

2. TCR 90E for chapter 84 is deleted and the following new TCRs is inserted:

"90E. A change to subheading 8443.99 from any other heading."