

Proclamation 7208 of July 7, 1999**To Facilitate Positive Adjustment to Competition From Imports of Lamb Meat**

By the President of the United States of America

A Proclamation

1. On April 5, 1999, the United States International Trade Commission (USITC) transmitted to the President a unanimous affirmative determination in its investigation under section 202 of the Trade Act of 1974, as amended (the "Trade Act") (19 U.S.C. 2252), with respect to imports of fresh, chilled, or frozen lamb meat, provided for in heading 0204 of the Harmonized Tariff Schedule of the United States (HTS). Under section 202 of the Trade Act, the USITC determined that such lamb meat is being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic industry producing a like or directly competitive article. Further, the USITC, pursuant to section 311(a) of the North American Free Trade Agreement Implementation Act (the "NAFTA Implementation Act") (19 U.S.C. 3371(a)), made negative findings with respect to imports of lamb meat from Canada and Mexico. The USITC also transmitted to the President its recommendation made pursuant to section 202(e) of the Trade Act with respect to the action that would address the threat of serious injury to the domestic industry and be most effective in facilitating the efforts of the domestic industry to make a positive adjustment to import competition.

2. Pursuant to section 203 of the Trade Act (19 U.S.C. 2253), and after taking into account the considerations specified in section 203(a)(2) of the Trade Act, I have determined to implement action of a type described in section 203(a)(3). However, pursuant to section 312(a) of the NAFTA Implementation Act (19 U.S.C. 3372(a)), I have determined that imports from Canada and Mexico, considered individually, do not account for a substantial share of total imports and do not contribute importantly to the threat of serious injury found by the USITC. Accordingly, pursuant to section 312(b) of the NAFTA Implementation Act (19 U.S.C. 3372(b)), I have excluded lamb meat the product of Canada or Mexico from the action I am taking under section 203 of the Trade Act.

3. Such action shall take the form of a tariff-rate quota on imports of fresh, chilled, or frozen lamb meat, provided for in HTS subheadings 0204.10.00, 0204.22.20, 0204.23.20, 0204.30.00, 0204.42.20, and 0204.43.20, imposed for a period of 3 years plus 1 day, with annual increases in the within-quota quantities in the second and third years, as provided for in the annex to this proclamation.

4. Except for products of Canada, Mexico, Israel, beneficiary countries under the Caribbean Basin Economic Recovery Act (CBERA) and the Andean Trade Preference Act (ATPA), and other developing countries that have accounted for a minor share of lamb meat imports, which shall all be excluded from this restriction, such tariff-rate quota shall apply to imports of lamb meat from all other countries and the in-quota quantity in each year shall be allocated among such countries. Pursuant to section 203(a)(1)(A) of the Trade Act (19 U.S.C. 2253(a)(1)(A)), I have further determined that these actions will facilitate efforts by the domestic industry to make a posi-

tive adjustment to import competition and provide greater economic and social benefits than costs.

5. Section 604 of the Trade 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, 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 of America, including but not limited to sections 203 and 604 of the Trade Act, and section 301 of title 3, United States Code, do proclaim that:

(1) In order to establish a tariff-rate quota on imports of fresh, chilled, or frozen lamb meat classified in HTS subheadings 0204.10.00, 0204.22.20, 0204.23.20, 0204.30.00, 0204.42.20, and 0204.43.20, subchapter III of chapter 99 of the HTS is modified as provided in the annex to this proclamation.

(2) Such imported lamb meat that is the product of Canada, Mexico, Israel, and of beneficiary countries under the CBERA and the ATPA, and of developing countries listed in general note 4(a) to the HTS, shall be excluded from the tariff-rate quota established by this proclamation, and such imports shall not be counted toward the tariff-rate quota limits that trigger the over-quota rates of duty.

(3) In the event that a quota quantity established by this proclamation and allocated to a country or to “other countries” is significantly underutilized, the United States Trade Representative is authorized to reallocate all or part of the unfilled portion of such quota quantity to any other country or countries and, upon publication of notice in the **Federal Register**, to modify the HTS provisions created by the annex to this proclamation to reflect any such reallocation.

(4) 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.

(5) The modifications to the HTS made by this proclamation, including the annex hereto, shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. e.d.t. on July 22, 1999, and shall continue in effect as provided in the annex to this proclamation, unless such actions are earlier expressly modified or terminated.

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

WILLIAM J. CLINTON

ANNEX
 Modifications to the Harmonized Tariff Schedule
 of the United States

(a) Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after July 22, 1999, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new U.S. note, subheadings and superior text thereto, with the language inserted in the columns entitled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

"8. For purposes of the subheadings enumerated below, the in-quota quantities for fresh, chilled or frozen lamb meat shall be allocated as follows:

<u>Subheadings</u>	<u>Country or Countries</u>	<u>Allocation</u>
9903.02.01	Australia.....	17,139,582
	New Zealand.....	14,481,603
	Other countries.....	229,966
9903.02.03	Australia.....	17,600,931
	New Zealand.....	14,871,407
	Other countries.....	236,155
9903.02.05	Australia.....	18,062,279
	New Zealand.....	15,261,210
	Other countries.....	242,346

Carcasses and half-carcasses of lamb (provided for in subheading 0204.10.00 or 0204.30.00), other lamb cuts with bone in (provided for in subheading 0204.22.20 or 0204.42.20), and boneless lamb meat (provided for in subheading 0204.23.20 or 0204.43.20), all the foregoing fresh, chilled or frozen, except products of Canada, of Mexico, of Israel, of developing countries enumerated in general note 4(a) to this schedule, of beneficiary countries under the Caribbean Basin Economic Recovery Act (as enumerated in general note 7(a) to this schedule) or of beneficiary countries under the Andean Trade Preference Act (as enumerated in general note 11(a) to this schedule):

If entered during the period from July 22, 1999, through July 21, 2000 inclusive:			
9903.02.01	In quantities not in excess of 31,851,151 kg.....	9%	15.4¢/kg
9903.02.02	Other.....	40%	15.4¢/kg + 40%

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	[Carcasses...]		
	If entered during the period from July 22, 2000, through July 21, 2001, inclusive:		
9903.02.03	In quantities not in excess of 32,708,493 kg.....	6%	15.4¢/kg
9903.02.04	Other.....	32%	15.4¢/kg + 32%
	If entered during the period from July 22, 2001, through July 22, 2002, inclusive:		
9903.02.05	In quantities not in excess of 33,565,835 kg.....	3%	15.4¢/kg
9903.02.06	Other.....	24%	15.4¢/kg + 24%*