

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

MAR 22 2012

The Honorable Deanna Tanner Okun
Chairman
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

Dear Chairman Okun:

On March 15, 2012, the United States-Korea Free Trade Agreement (FTA) entered into force, providing new market opportunities for U.S. exporters of goods and services to Korea, greater transparency in our trade with Korea, stronger protection and enforcement of intellectual property rights, and a wide range of other benefits to U.S. companies, workers, farmers, ranchers and consumers. The U.S. International Trade Commission (Commission) made an important contribution to the Administration's efforts to bring the FTA into force quickly, so that the United States and Korea could begin to reap the benefits of this historic agreement. The Commission's continuing efforts in support of achieving U.S. trade policy objectives are greatly appreciated.

Having reviewed the text of the FTA and the relevant negotiating documents, and having discussed the relevant negotiating history, the United States and Korea have confirmed that a reference to HS 6104.32 was inadvertently omitted through a clerical error from the relevant PSR in Annex 4-A (*Specific rules of origin for textile or apparel goods*) of both the English and Korean language versions of the final agreement. HS 6104.32 was the subject of negotiations and is included in the corresponding PSRs in other U.S. free trade agreements. In order to correct this clerical error, on March 5, 2012, the United States and Korea amended the relevant PSR in Annex 4-A of the FTA to include references to HS 6104.32. This amendment will go into effect after the United States and Korea exchange written notification that they have completed their respective applicable legal requirements and procedures.

Pursuant to section 202(o)(2)(B)(ii), of the United States-Korea Free Trade Agreement Implementation Act (Implementation Act), before the end of the 1-year period beginning on the date on which the FTA enters into force, the President is authorized, subject to the consultation and layover provisions of the Implementation Act, to proclaim modifications to the HTS to correct any typographical, clerical, or non-substantive technical error regarding the provisions of chapters 50-63 (as included in Annex 4-A of the FTA).

Under authority delegated by the President, and pursuant to section 104 of the Implementation Act, I request that the Commission provide advice on the probable effect on U.S. trade under the FTA and total U.S. trade of adding references to HS 6104.32 to correct the relevant PSR to read as follows:

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6104.31-6104.32

A change to subheading 6104.31 through 6104.32 from any other chapter, except from heading 51.06 through 51.13, 52.04 through 52.12, 53.07 through 53.08, or 53.10 through 53.11, 54.01 through 54.02 subheading 5403.20, 5403.33 through 5403.39, 5403.42 through heading 54.08, or heading 55.08 through 55.16, or 60.01 provided that:

(a) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or both of the Parties, and

(b) any visible lining material used in the apparel article satisfies the requirements of Chapter Rule 1 for Chapter 61.

I request that the Commission provide this advice at the earliest possible date, but not later than two months after the date of receipt of this request.

The Commission's assistance in this matter is greatly appreciated.

Sincerely,



Ambassador Ron Kirk