

SUBCHAPTER III

TEMPORARY MODIFICATIONS ESTABLISHED PURSUANT TO TRADE LEGISLATION

XXII
99-19U.S. Notes

1. This subchapter contains the temporary modifications of the provisions in the tariff schedule established pursuant to trade legislation. Unless otherwise stated, the modified provisions are effective until suspended or terminated. Unless the context requires otherwise, any article described in the provisions of this subchapter, for which rates of duty are herein provided, if entered during the period specified, is subject to duty at the rate set forth herein in lieu of the rate provided therefor in chapters 1 to 98.

[U.S. note 2 deleted]

3. For the purposes of subheadings 9903.41.05 and 9903.41.10, the duties provided for in this subchapter are cumulative duties which apply in addition to the duties otherwise imposed on the articles involved.

[U.S. note 4 deleted]

5. The following provisions have been suspended pursuant to executive action: subheadings 9903.04.05 and 9903.04.10, headings 9903.04.15 through 9903.04.55, inclusive, subheading 9903.23.10, subheading 9903.23.14, subheading 9903.23.18, subheading 9903.41.25, and subheadings 9903.41.35 through 9903.41.45, inclusive.

6. Import quotas for upland cotton.--The provisions of this note apply beginning August 1, 1991, to imports of upland cotton as provided in subheadings 9903.52.00 through 9903.52.20.

(a) Special Upland Cotton Import Quota Based on Northern Europe Prices.--

- (i) Whenever the Secretary of Agriculture determines and announces that for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling one and three-thirty-seconds inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificates issued under section 103B(a)(5)(E) of the Agricultural Act of 1949, as amended, exceeds the Friday through Thursday average price of the five lowest-priced growths of upland cotton, as quoted for Middling one and three-thirty-seconds inch cotton, delivered C.I.F. Northern Europe (Northern Europe price) by more than 1.25 cents per pound, there shall be in effect, as of the effective date of such announcement, a special import quota equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available. During the period when both a price quotation for cotton for shipment no later than August/September of the current calendar year (current shipment price) and a price quotation for cotton for shipment no earlier than October/November of the current calendar year (forward shipment price) are available for such growths, the current shipment price shall be used. An announcement under this clause shall be known as a Special Cotton Import Quota Announcement.
- (ii) Application.--The quota shall apply to upland cotton purchased not later than 90 days after the effective date of the Secretary's announcement under clause (i) and entered into the United States not later than 180 days after such date.
- (iii) Overlap.--A quota period may be established that overlaps any existing quota period if required by clause (i), except that a quota period may not be established under this paragraph if a quota period has been established under paragraph (b) of this note.
- (iv) The Secretary of Agriculture shall inform the Secretary of the Treasury of the establishment of any special import quota under this paragraph and shall file a notice of such quota with the Federal Register.

(b) Upland Cotton Import Quota Based on Spot Market Prices.--

- (i) Whenever the Secretary of Agriculture determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in such markets for the preceding 36 months, there shall immediately be in effect a limited global import quota equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available. An announcement under this clause shall be known as a Limited Global Cotton Import Quota Announcement.
- (ii) Quantity if prior quota.--If a quota has been established under this paragraph during the preceding 12 months, the quantity of the quota next established under this paragraph shall be the smaller of 21 days of domestic mill consumption, calculated as set forth in clause (i), or the quantity required to increase the supply to 130 percent of the demand.

- (iii) Definitions.--As used in clause (ii):
- (A) Supply.--The term "supply" means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury--
- (I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the special quota is established; plus
 - (II) production of the current crop; plus
 - (III) imports to the latest date available during the marketing year.
- (B) Demand.--The term "demand" means--
- (I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; plus
 - (II) the larger of--
 - (aa) average exports of upland cotton during the preceding 6 marketing years; or
 - (bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the special quota is established.
- (iv) Quota entry period.--When a quota is established under this paragraph, cotton may be entered under the quota during the 90-day period beginning on the effective date of the Secretary of Agriculture's announcement of such quota.
- (v) No overlap.--Notwithstanding clauses (i) through (iv), a quota period may not be established under this paragraph that overlaps an existing quota period established under this paragraph or a quota period established under paragraph (a) of this note.
- (vi) The Secretary of Agriculture shall inform the Secretary of the Treasury of the establishment of any import quota under this paragraph and shall file a notice of such quota with the Federal Register.

Code	Description	Rate	Rate	Change	Rate
9903.04.05	<u>1/</u> Blue-mold cheese: In original loaves (provided for in subheading 0406.40.44, 0406.40.54, or 0406.40.70).....	<u>1/</u>	200%	No change	200%
9903.04.10	<u>1/</u> Other (provided for in subheading 0406.20.15, 0406.20.24, 0406.20.28, 0406.30.05, 0406.30.14, 0406.30.18, 0406.40.48, 0406.40.58, or 0406.40.70).....	<u>1/</u>	200%	No change	200%
9903.04.15	<u>1/</u> Edam and Gouda cheeses (provided for in subheading 0406.20.44, 0406.20.48, 0406.30.44, 0406.30.48, 0406.90.16 or 0406.90.18).....	<u>1/</u>	200%	No change	200%
9903.04.20	<u>1/</u> Cheeses and substitutes for cheeses, valued over 11.3¢ per kg, containing, or processed from, Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesan, Provolone, Provoletti, Sbrinz and Goya) (provided for in subheading 0406.20.77, 0406.20.79, 0406.30.77, 0406.30.79, 0406.90.66 or 0406.90.68).....	<u>1/</u>	200%	No change	200%
9903.04.25	<u>1/</u> Endive, including Whitloof chicory, fresh, chilled, or frozen, not reduced in size nor otherwise prepared or preserved (provided for in subheading 0705.21 or 0705.29).....	<u>1/</u>	200%	No change	200%
9903.04.30	<u>1/</u> Olives, prepared or preserved, in brine, not ripe and not pitted or stuffed, not green in color and not packed in airtight containers of glass, metal, or glass and metal (provided for in subheading 2005.70.75).....	<u>1/</u>	200%	No change	200%
9903.04.35	<u>1/</u> Pork hams and shoulders, boned and cooked, packed in airtight containers holding less than 1.4 kg (provided for in subheading 1602.41.20 or 1602.42.20).....	<u>1/</u>	200%	No change	200%
9903.04.40	<u>1/</u> Carrots (whether or not reduced in size), prepared or preserved, but not packed in salt, not in brine, nor pickled, in airtight containers (provided for in subheading 2005.90.10).....	<u>1/</u>	200%	No change	200%
9903.04.45	<u>1/</u> White still wines produced from grapes, containing not over 14 percent of alcohol by volume, in containers each holding not over 3.8 liters, valued over \$1.05 per liter (provided for in subheading 2204.21.20, 2204.21.40 or 2204.29.20).....	<u>1/</u>	200%	No change	200%
9903.04.50	<u>1/</u> Brandy (other than pisco, singani and slivowitz), in containers each holding not over 3.8 liters, valued over \$3.43 per liter (provided for in subheading 2208.20.40 or 2208.90.30).....	<u>1/</u>	200%	No change	200%
9903.04.55	<u>1/</u> Gin, in containers each holding not over 3.8 liters (provided for in subheading 2208.50)....	<u>1/</u>	200%	No change	200%

1/ See chapter 99 statistical note 1.

Note: The shaded area indicates that the provisions have been suspended.

		Articles the product of the European Community (Austria, Belgium, Denmark, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom):				
9903.23.00	<u>1/</u>	Beef, without bone (except offal), fresh, chilled, or frozen (provided for in subheading 0201.30.50, 0201.30.80, 0202.30.50 or 0202.30.80).....	<u>1/</u>	100%	No change	No change
9903.23.05	<u>1/</u>	Pork hams and shoulders (except those that have been boned and cooked and packed in airtight containers), processed or otherwise prepared or preserved (provided for in subheading 0210.11, 1602.41.90 or 1602.42.40).....	<u>1/</u>	100%	No change	No change
9903.23.10	<u>1/</u>	Intestines, weasands, bladders, tendons and integuments, not specially provided for (except sheep, lamb and goat), prepared for use as sausage casings (provided for in heading 0504).....	<u>1/</u>	100%	No change	No change
9903.23.14	<u>1/</u>	Other tomato sauces (provided for in subheading 2103.20.40).....	<u>1/</u>	100%		No change
		Tomatoes, prepared or preserved (except paste) otherwise than by the processes specified in chapter 7 or 11 in heading 2001.				
9903.23.17	<u>1/</u>	Tomatoes, whole or in pieces (provided for in subheading 2002.10.00).....	<u>1/</u>	100%		No change
9903.23.18	<u>1/</u>	Other (provided for in subheading 2002.90.00..	<u>1/</u>	100%		No change
9903.23.20	<u>1/</u>	Soluble or instant coffee (containing no admixture of sugar, cereal or other additive) (provided for in subheading 2101.10.21).....	<u>1/</u>	100%	No change	No change
9903.23.25	<u>1/</u>	Other fermented alcoholic beverages, containing less than 7 percent alcohol by volume (provided for in subheading 2206.00.90).....	<u>1/</u>	100%	No change	No change
9903.23.30	<u>1/</u>	Fruit juices not specially provided for, concentrated or not concentrated, whether or not sweetened, not mixed and not containing over 0.5 percent of ethyl alcohol by volume (provided for in subheading 2009.80.60).....	<u>1/</u>	100%	No change	No change
9903.23.35	<u>1/</u>	Pet food packaged for retail sale, of byproducts obtained from the milling of grains, mixed feeds, and mixed-feed ingredients (provided for in subheading 2309.10).....	<u>1/</u>	100%	No change	No change

1/ See chapter 99 statistical note 1.

Note: The shaded areas indicate that the provisions have been suspended.

9903.41.05	<u>1/</u>	Articles the product of Japan: Bovine (including buffalo) and equine leather (provided for in heading 4104); goat, kid, sheep and lamb leather, the foregoing dyed, colored, stamped or embossed (provided for in heading 4105 or 4106).....	<u>1/</u>	40%
9903.41.10	<u>1/</u>	Footwear with outer soles of leather and uppers wholly or in part of leather, and footwear with outer soles of rubber or plastics and uppers having an exterior surface area predominantly of leather, the foregoing provided for in chapter 64, except (a) slip-on footwear of a type not suitable for outdoor use, without backs or backstraps, having outer soles with a thickness of less than 5 mm and with less than 20 mm difference between the thickness of the bottom at the ball of the foot and at the heel, and (b) footwear which is designed for a sporting activity and has, or has provision for, attached spikes, sprigs, stops, clips, bars or the like, and skating boots, ski-boots and cross-country ski footwear, wrestling boots, boxing boots and cycling shoes.....	<u>1/</u>	40%
9903.41.15	<u>1/</u>	Automatic data processing machines, of the type of which the constituent units are integrated in the same housing, whether finished or unfinished, which incorporate a microprocessor-based calculating mechanism, are capable of handling data words of at least 16-bits off the microprocessor, and are designed for use with a non-cathode-ray tube (non-CRT) display unit, whether or not capable of use without an external power source (provided for in subheading 8471.20).....	<u>1/</u>	100%
9903.41.20	<u>1/</u>	Automatic data processing machines, of the type of which the constituent units are separately housed, whether finished or unfinished, which incorporate a microprocessor-based calculating mechanism, are capable of handling data words of at least 16-bits off the microprocessor, designed for use while affixed to or placed on a table, desk, or similar place: Having a microprocessor-based calculating mechanism capable of directly handling memory of over 8 megabits (provided for in subheading 8471.91).....	<u>1/</u>	100%
9903.41.25	<u>1/</u>	Having a microprocessor-based calculating mechanism capable of directly handling memory of not over 8 megabits (provided for in subheading 8471.91).....	<u>1/</u>	100%

1/ See chapter 99 statistical note 1.

Note: The shaded area indicates that the provisions have been suspended.

Articles the product of Japan (con.):

		Rotary drills, not battery powered, with a chuck capacity of 1/2 inch or more; electro-pneumatic rotary and percussion hammers; and grinders, sanders, and polishers (except angle grinders, sanders, and polishers, belt sanders, and orbital and straight-line sanders), the foregoing which are electromechanical tools for working in the hand with self-contained electric motor:		
9903.41.30	<u>1/</u>	Electropneumatic rotary and percussion hammers (provided for in subheading 8508.80).....	<u>1/</u>	100%
9903.41.35	<u>1/</u>	Other (provided for in subheading 8508.10 or 8508.80).....	<u>1/</u>	100%
9903.41.40	<u>1/</u>	Complete color television receivers containing in a single housing apparatus for receiving and displaying off-the-air each standard U.S. broadcast channel, with or without external speakers, having a single picture tube intended for direct viewing, with a video display diagonal exceeding 45 cm but not exceeding 50 cm (provided for in subheading 8528.10.28, 8528.10.48, 8528.10.77 or 8528.70.79).....	<u>1/</u>	100%
9903.41.45	<u>1/</u>	Complete color television receivers containing in a single housing apparatus for receiving and displaying off-the-air each standard U.S. broadcast channel, with or without external speakers, having a single picture tube intended for direct viewing, with a video display diagonal exceeding 50 cm but not exceeding 52 cm (provided for in subheading 8528.10.28, 8528.10.48, 8528.10.77 or 8528.70.79).....	<u>1/</u>	100%
		Wood shingles and shakes of western red cedar provided for in subheading 4418.50:		
9903.44.10	<u>1/</u>	If entered during the period from June 7, 1986, through December 6, 1988, inclusive.....	<u>1/</u>	35% 35%
9903.44.24	<u>1/</u>	If entered during the period from June 7, 1988, through December 6, 1989, inclusive.....	<u>1/</u>	20% 20%
9903.44.28	<u>1/</u>	If entered during the period from December 7, 1989, through December 6, 1990, inclusive.....	<u>1/</u>	10% 10%
9903.44.32	<u>1/</u>	If entered during the period from December 7, 1990, through June 6, 1991, inclusive.....	<u>1/</u>	5% 5%

1/ See chapter 99 statistical note 1.

Note: The shaded area indicates that the provisions have expired or have been suspended.

Notwithstanding any other quantitative limitations on the importation of cotton, upland cotton, if accompanied by an original certificate of an official of a government agency of the country in which the cotton was produced attesting to the fact that the cotton is a variety of Gossypium hirsutum cotton, may be entered in conformity with the terms and conditions in U.S. note 6(b) of this subchapter in such quantities as specified in the determination and announcement by the Secretary of Agriculture in accordance with U.S. note 6(b)(i) during the 90-day period following the effective date of such determination and announcement:

9903.52.00	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Limited Global Import Quota Announcement.....	<u>1/</u>	The quantity specified in such announcement
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Notwithstanding any other quantitative limitations on the importation of cotton, upland cotton, if accompanied by an original certificate of an official of a government agency of the country in which the cotton was produced attesting to the fact that the cotton is a variety of Gossypium hirsutum cotton, and a certification by the importer that such cotton was purchased not later than 90 days after the effective date of the Secretary of Agriculture's announcement of the quota, may be entered in conformity with the terms and conditions in U.S. note 6(a) of this subchapter in such quantities as specified in the determination and announcement by the Secretary of Agriculture in accordance with U.S. note 6(a)(i) during the 180-day period following the effective date of such determination and announcement:

9903.52.01	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 1.....	<u>1/</u>	The quantity specified in such announcement
9903.52.02	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 2.....	<u>1/</u>	The quantity specified in such announcement
9903.52.03	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 3.....	<u>1/</u>	The quantity specified in such announcement
9903.52.04	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 4.....	<u>1/</u>	The quantity specified in such announcement
9903.52.05	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 5.....	<u>1/</u>	The quantity specified in such announcement
9903.52.06	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 6.....	<u>1/</u>	The quantity specified in such announcement
9903.52.07	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 7.....	<u>1/</u>	The quantity specified in such announcement
9903.52.08	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 8.....	<u>1/</u>	The quantity specified in such announcement
9903.52.09	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 9.....	<u>1/</u>	The quantity specified in such announcement

1/ See chapter 99 statistical note 2.

Notwithstanding any other quantitative limitations on the importation of cotton, upland cotton, if accompanied by an original certificate of an official of a government agency of the country in which the cotton was produced attesting to the fact that the cotton is a variety of Gossypium hirsutum cotton, and a certification by the importer that such cotton was purchased not later than 90 days after the effective date of the Secretary of Agriculture's announcement of the quota, may be entered in conformity with the terms and conditions in U.S. note 6(a) of this subchapter in such quantities as specified in the determination and announcement by the Secretary of Agriculture in accordance with U.S. note 6(a)(i) during the 180-day period following the effective date of such determination and announcement (con.):

9903.52.10	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 10.....	<u>1/</u>	The quantity specified in such announcement
9903.52.11	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 11.....	<u>1/</u>	The quantity specified in such announcement
9903.52.12	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 12.....	<u>1/</u>	The quantity specified in such announcement
9903.52.13	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 13.....	<u>1/</u>	The quantity specified in such announcement
9903.52.14	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 14.....	<u>1/</u>	The quantity specified in such announcement
9903.52.15	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 15.....	<u>1/</u>	The quantity specified in such announcement
9903.52.16	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 16.....	<u>1/</u>	The quantity specified in such announcement
9903.52.17	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 17.....	<u>1/</u>	The quantity specified in such announcement
9903.52.18	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 18.....	<u>1/</u>	The quantity specified in such announcement
9903.52.19	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 19.....	<u>1/</u>	The quantity specified in such announcement
9903.52.20	<u>1/</u>	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 20.....	<u>1/</u>	The quantity specified in such announcement

1/ See chapter 99 statistical note 2.