

**Proclamation by the President: To Implement the Dominican Republic-
Central America-United States Free Trade Agreement**

A Proclamation by the President of the United States of America

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 countries"). 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 "Act")(Public Law 109-53, 119 Stat. 462)(19 U.S.C. 4001 note).

2. Section 105(a) of the Act authorizes the President to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under Chapter Twenty of the Agreement.

3. Section 201 of the Act 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 Articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and Annexes 3.3 (including the schedule of United States duty reductions with respect to originating goods), 3.27, and 3.28 of the Agreement.

4. Consistent with section 201(a)(2) of the Act, each Agreement country is to be removed from the enumeration of designated beneficiary developing countries eligible for the benefits of the Generalized System of Preferences (GSP) on the date the Agreement enters into force with respect to that country.

5. Consistent with section 201(a)(3) of the Act, each Agreement country is to be removed from the enumeration of designated beneficiary countries under the Caribbean Basin Economic Recovery Act (CBERA)(19 U.S.C. 2701 et seq.) on the date the Agreement enters into force with respect to that country, subject to the exceptions set out in section 201(a)(3)(B) of the Act.

6. Consistent with section 213(b)(5)(D) of the CBERA, as amended by the United States Caribbean Basin Trade Partnership Act (CBTPA)(Public Law 106 200), each Agreement country is to be removed from the enumeration of designated CBTPA beneficiary countries on the date the Agreement enters into force with respect to that country.

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7. Section 203 of the Act provides certain rules for determining whether a good is an originating good for the purpose of implementing preferential tariff treatment under the Agreement. I have decided that it is necessary to include

these rules of origin, together with particular rules applicable to certain other goods, in the Harmonized Tariff Schedule of the United States (HTS).

8. Section 203(o) of the Act authorizes the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the United States and those Agreement countries for which the Agreement has entered into force, and to add any such fabric, yarn, or fiber to the list in Annex 3.25 of the Agreement in a restricted or unrestricted quantity; to eliminate a restriction on the quantity of a fabric, yarn, or fiber within 6 months after adding the fabric, yarn, or fiber to the list in Annex 3.25 of the Agreement in a restricted quantity; and to restrict the quantity of, or remove from the list in Annex 3.25 of the Agreement, certain fabrics, yarns, or fibers.

9. Section 209 of the Act authorizes the President to take certain enforcement actions relating to trade with the Agreement countries in textile or apparel goods.

10. Sections 321-328 of the Act authorize the President to take certain actions in response to a request by an interested party for relief from serious damage or actual threat thereof to a domestic industry producing certain textile or apparel articles.

11. Executive Order 11651 of March 3, 1972, as amended, established the Committee for the Implementation of Textile Agreements (CITA) to supervise the implementation of textile trade agreements.

12. 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, or other acts affecting import treatment, and of actions taken thereunder.

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 sections 105(a), 201, 203, 209, and 321-328 of the Act, section 301 of title 3, United States Code, and section 604 of the 1974 Act, do proclaim that:

(1) In order to provide generally for the preferential tariff treatment being accorded under the Agreement to El Salvador, to set forth rules for determining whether goods imported into the customs territory of the United States are eligible for preferential tariff treatment under the Agreement, to provide certain other treatment to originating goods for the purposes of the Agreement, to provide tariff rate quotas with respect to certain goods, to reflect the removal of El Salvador

from the enumeration of designated beneficiary developing countries for purposes of the GSP, to reflect the removal of El Salvador from the enumeration of designated beneficiary countries for purposes of the CBERA and the CBTPA, and to make technical and conforming changes in the general notes to the

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HTS, the HTS is modified as set forth in Annex I of Publication No. 3829 of the United States International Trade Commission, entitled "Modifications to the Harmonized Tariff Schedule of the United States to Implement the Dominican Republic-Central America United States Free Trade Agreement With Respect to El Salvador" ("Publication 3829"), which is incorporated by reference into this proclamation.

(2) In order to implement the initial stage of duty elimination provided for in the Agreement, to provide tariff rate quotas with respect to certain goods, and to provide for future staged reductions in duties for originating goods for purposes of the Agreement, the HTS is modified as provided in Annex II of Publication 3829, effective on the dates specified in the relevant sections of such publication and on any subsequent dates set forth for such duty reductions in that publication.

(3) The Secretary of Commerce is authorized to exercise my authority under section 105(a) of the Act to establish or designate an office within the Department of Commerce to carry out the functions set forth in that section.

(4) The CITA is authorized to exercise my authority under section 203(o) of the Act to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the United States and those Agreement countries for which the Agreement has entered into force, and to add any such fabric, yarn, or fiber to the list in Annex 3.25 of the Agreement in a restricted or unrestricted quantity; to eliminate a restriction on the quantity of a fabric, yarn, or fiber within

6 months after adding the fabric, yarn, or fiber to the list in Annex 3.25 of the Agreement in a restricted quantity; to restrict the quantity of, or remove from the list in Annex 3.25 of the Agreement, certain fabrics, yarns, or fibers; and to establish procedures governing the submission of a request for any such determination and to ensure appropriate public participation in any such determination.

(5) The CITA is authorized to exercise my authority under section 209 of the Act to suspend or deny preferential tariff treatment to textile or apparel goods; to detain textile or apparel goods; and to deny entry to textile or apparel goods.

(6) The CITA is authorized to exercise my authority under sections 321-328 of the Act to review requests and to determine whether to commence consideration of such requests; to cause to be published in the Federal Register a notice of commencement of consideration of a request and notice seeking public comment; and to determine whether imports of a textile or apparel article of an Agreement country are causing serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(7) The CITA, after consultation with the Commissioner of Customs (the "Commissioner"), is authorized to consult with representatives of an Agreement country for the purpose of identifying particular textile or apparel goods of that

country that are mutually agreed to be handloomed, handmade, or folklore articles as provided in Article 3.21 of the Agreement. The Commissioner shall take actions as directed by the CITA to carry out any such determination.

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(8) The United States Trade Representative is authorized to exercise my authority under section 104 of the Act to obtain advice from the appropriate advisory committees and the

United States International Trade Commission on the proposed implementation of an action by presidential proclamation; to submit a report on such proposed action to the appropriate congressional committees; and to consult with those congressional committees regarding the proposed action.

(9) The United States Trade Representative is authorized to modify U.S. note 20 to subchapter XXII of chapter 98 of the HTS in a notice published in the Federal Register to reflect modifications pursuant to paragraph (4) of this proclamation by the CITA to the list of fabrics, yarns, or fibers in Annex 3.25 of the Agreement.

(10)(a) The amendments to the HTS made by paragraphs (1) and (2) of this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the relevant dates indicated in Annex II to Publication 3829.

(b) Except as provided in paragraph (10)(a) of this proclamation, this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after March 1, 2006.

(11) 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 February, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

GEORGE W. BUSH