

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Part 1205**

[CN-98-002]

1998 Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending the Cotton Board Rules and Regulations by lowering the value assigned to imported cotton for the purpose of calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. This action is required by this regulation on an annual basis to ensure that the assessments collected on imported cotton and the cotton content of imported products remain similar to those paid on domestically produced cotton.

EFFECTIVE DATE: June 22, 1998.

FOR FURTHER INFORMATION CONTACT: Norma McDill, (202) 720-2145.

SUPPLEMENTARY INFORMATION:**Executive Order 12866**

This rule has been determined to be "not significant" for purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Cotton Research and Promotion Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under Section 12 of the Act, any person subject to an order may file with the Secretary a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the

Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of the ruling.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) AMS has considered the economic impact of this action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small businesses.

There are an estimated 16,000 importers who are presently subject to rules and regulations issued pursuant to the Cotton Research and Promotion Order. This rule will affect importers of cotton and cotton-containing products. The majority of these importers are small businesses under the criteria established by the Small Business Administration. This rule will lower the assessments paid by the importers under the Cotton Research and Promotion Order. Even though the assessment would be lowered, the decrease is small and will not significantly affect small businesses.

The current assessment on imported cotton is \$0.012412 per kilogram of imported cotton. The amended assessment is \$0.011850, a decrease of \$0.000562 or a 4.5 percent decrease from the current assessment. From January through December 1997 approximately \$20 million was collected at the \$0.012412 per kilogram rate. Should the volume of cotton products imported into the U.S. remain at the same level in 1998, one could expect the decreased assessment to generate \$19.1 million or a 4.5 percent decrease from 1997.

Paperwork Reduction

In compliance with Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581-0093.

Background

The Cotton Research and Promotion Act Amendments of 1990 enacted by Congress under Subtitle G of Title XIX of the Food, Agriculture, Conservation and Trade Act of 1990 on November 28, 1990, contained two provisions that authorized changes in the funding procedures for the Cotton Research and Promotion Program.

These provisions are: (1) The assessment of imported cotton and cotton products; and (2) termination of

the right of cotton producers to demand a refund of assessments.

An amended Cotton Research and Promotion Order was approved by producers and importers voting in a referendum held July 17-26, 1991 and the amended Order was published in the **Federal Register** on December 10, 1991, (56 FR 64470). Proposed rules implementing the amended Order were published in the **Federal Register** on December 17, 1991, (56 FR 65450). Implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively.

This rule will decrease the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR 1205.510 (b)(2)). This value is used to calculate supplemental assessments on imported cotton and the cotton content of imported products. Supplemental assessments are the second part of a two-part assessment. The first part of the assessment is levied on the weight of cotton produced or imported at a rate of \$1 per bale of cotton which is equivalent to 500 pounds or \$1 per 226.8 kilograms of cotton.

Supplemental assessments are levied at a rate of five-tenths of one percent of the value of domestically produced cotton, imported cotton, and the cotton content of imported products. The agency has adopted the practice of assigning the calendar year average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is done so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products remain similar. The source for the average price statistic is "Agricultural Prices", a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products yields an assessment that approximates assessments paid on domestically produced cotton in the prior calendar year.

The current value of imported cotton as published in the **Federal Register** (62 FR 46412) on September 2, 1997, for the purpose of calculating supplemental assessments on imported cotton is \$1.6005 per kilogram. This number was calculated using the annual average price received by farmers for Upland cotton during the calendar year 1996 which was \$0.726 per pound and multiplying by the conversion factor

2.2046. Using the Average Price Received by U.S. Farmers for Upland Cotton for the calendar year 1997, which is \$0.675 per pound, the new value of imported cotton is \$1.4881 per kilogram. The amended value is \$0.1124 per kilogram less than the previous value.

An example of the complete assessment formula and how the various figures are obtained is as follows:
 One bale is equal to 500 pounds.
 One kilogram equals 2.2046 pounds.
 One pound equals 0.453597 kilograms.

**One Dollar Per Bale Assessment
 Converted to Kilograms**

A 500 pound bale equals 226.8 kg. (500 × .453597).
 \$1 per bale assessment equals \$0.002000 per pound (1÷500)
 or \$0.004409 per kg. (1÷226.8).

**Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton
 Converted to Kilograms**

The 1997 calendar year average price received by producers for Upland

cotton is \$0.675 per pound or \$1.4881 per kg. (0.675 × 2.2046)=1.4881.
 Five tenths of one percent of the average price in kg. equals \$0.007441 per kg. (1.4881 × .005).

Total Assessment

The total assessment per kilogram of raw cotton is obtained by adding the \$1 per bale equivalent assessment of \$0.004409 per kg. and the supplemental assessment \$0.007441 per kg. which equals \$0.011850 per kg.

The current assessment on imported cotton is \$0.012412 per kilogram of imported cotton. The amended assessment is \$0.011850, a decrease of \$0.000562 per kilogram. This decrease reflects the decrease in the Average Price of Upland Cotton Received by U.S. Farmers during the period January through December 1997.

Since the value of cotton is the basis of the supplemental assessment calculation and the figures shown in the right hand column of the Import Assessment Table 1205.510(b)(3) are a

result of such a calculation, the figures in this table have been revised. These figures indicate the total assessment per kilogram due for each Harmonized Tariff Schedule (HTS) number subject to assessment.

Eight HTS numbers subject to assessment pursuant to this regulation and found in the assessment table have been changed. In order to maintain consistency between the HTS and the assessment table, the changes to these eight numbers have been incorporated into the assessment table. The last two digits of these numbers were changed to provide for statistical reporting purposes and involve no physical change to the products they represent. Therefore, the assessment rate is not affected by the change. The assessment rate for each of the eight numbers has been applied to each of the new replacement numbers in the assessment table. The following table represents the changes:

Old No.	New No.	Conversion factor	Assessment cents/kg.
5208523040	5208523045	1.1455	1.3574
5208524040	5208524045	1.1455	1.3574
5208524060	5208524065	1.1455	1.3574
5208592020	5208592025	1.1455	1.3574
5208592090	5208592095	1.1455	1.3574
5209516030	5209516035	1.1455	1.3574
5209590020	5209590025	1.1455	1.3574
5211590020	5211590025	0.6873	0.8145

A proposed rule with a request for comments was published in the **Federal Register** (63 FR 15336) on March 31, 1998. No comments were received during the comment period (March 31 through April 30, 1998).

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 1205 is amended as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

1. The authority citation for Part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101-2118.

2. In § 1205.510, paragraphs (b)(2) and the table in paragraph (b)(3)(ii) are revised to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * *
 (2) The 12-month average of monthly average prices received by U.S. farmers will be calculated annually. Such average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment is \$1.4881 per kilogram.

(3) * * *
 (ii) * * *

IMPORT ASSESSMENT TABLE

[Raw cotton fiber]

HTS No.	Conv. fact.	Cents/kg.
5201000500	0	1.185
5201001200	0	1.185
5201001400	0	1.185
5201001800	0	1.185
5201002200	0	1.185
5201002400	0	1.185
5201002800	0	1.185
5201003400	0	1.185

**IMPORT ASSESSMENT TABLE—
 Continued
 [Raw cotton fiber]**

HTS No.	Conv. fact.	Cents/kg.
5201003800	0	1.185
5204110000	1.1111	1.3167
5204200000	1.1111	1.3167
5205111000	1.1111	1.3167
5205112000	1.1111	1.3167
5205121000	1.1111	1.3167
5205122000	1.1111	1.3167
5205131000	1.1111	1.3167
5205132000	1.1111	1.3167
5205141000	1.1111	1.3167
5205210020	1.1111	1.3167
5205210090	1.1111	1.3167
5205220020	1.1111	1.3167
5205220090	1.1111	1.3167
5205230020	1.1111	1.3167
5205230090	1.1111	1.3167
5205240020	1.1111	1.3167
5205240090	1.1111	1.3167
5205310000	1.1111	1.3167
5205320000	1.1111	1.3167
5205330000	1.1111	1.3167
5205340000	1.1111	1.3167
5205410020	1.1111	1.3167

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. fact.	Cents/kg.	HTS No.	Conv. fact.	Cents/kg.	HTS No.	Conv. fact.	Cents/kg.
5205410090	1.1111	1.3167	5208430000	1.1455	1.3574	5210120000	0.6873	0.8145
5205420020	1.1111	1.3167	5208492000	1.1455	1.3574	5210192090	0.6873	0.8145
5205420090	1.1111	1.3167	5208494020	1.1455	1.3574	5210214040	0.6873	0.8145
5205440020	1.1111	1.3167	5208494090	1.1455	1.3574	5210216020	0.6873	0.8145
5205440090	1.1111	1.3167	5208496010	1.1455	1.3574	5210216060	0.6873	0.8145
5206120000	0.5556	0.6584	5208496090	1.1455	1.3574	5210218020	0.6873	0.8145
5206130000	0.5556	0.6584	5208498090	1.1455	1.3574	5210314020	0.6873	0.8145
5206140000	0.5556	0.6584	5208512000	1.1455	1.3574	5210314040	0.6873	0.8145
5206220000	0.5556	0.6584	5208516060	1.1455	1.3574	5210316020	0.6873	0.8145
5206230000	0.5556	0.6584	5208518090	1.1455	1.3574	5210318020	0.6873	0.8145
5206240000	0.5556	0.6584	5208523020	1.1455	1.3574	5210414000	0.6873	0.8145
5206310000	0.5556	0.6584	5208523045	1.1455	1.3574	5210416000	0.6873	0.8145
5207100000	1.1111	1.3167	5208523090	1.1455	1.3574	5210418000	0.6873	0.8145
5207900000	0.5556	0.6584	5208524020	1.1455	1.3574	5210498090	0.6873	0.8145
5208112020	1.1455	1.3574	5208524045	1.1455	1.3574	5210514040	0.6873	0.8145
5208112040	1.1455	1.3574	5208524065	1.1455	1.3574	5210516020	0.6873	0.8145
5208112090	1.1455	1.3574	5208525020	1.1455	1.3574	5210516040	0.6873	0.8145
5208114020	1.1455	1.3574	5208530000	1.1455	1.3574	5210516060	0.6873	0.8145
5208114060	1.1455	1.3574	5208592025	1.1455	1.3574	5211110090	0.6873	0.8145
5208114090	1.1455	1.3574	5208592095	1.1455	1.3574	5211120020	0.6873	0.8145
5208118090	1.1455	1.3574	5208594090	1.1455	1.3574	5211190020	0.6873	0.8145
5208124020	1.1455	1.3574	5208596090	1.1455	1.3574	5211190060	0.6873	0.8145
5208124040	1.1455	1.3574	5209110020	1.1455	1.3574	5211210025	0.4165	0.4936
5208124090	1.1455	1.3574	5209110035	1.1455	1.3574	5211210035	0.4165	0.4936
5208126020	1.1455	1.3574	5209110090	1.1455	1.3574	5211210050	0.6873	0.8145
5208126040	1.1455	1.3574	5209120020	1.1455	1.3574	5211290090	0.6873	0.8145
5208126060	1.1455	1.3574	5209120040	1.1455	1.3574	5211320020	0.6873	0.8145
5208126090	1.1455	1.3574	5209190020	1.1455	1.3574	5211390040	0.6873	0.8145
5208128020	1.1455	1.3574	5209190040	1.1455	1.3574	5211390060	0.6873	0.8145
5208128090	1.1455	1.3574	5209190060	1.1455	1.3574	5211490020	0.6873	0.8145
5208130000	1.1455	1.3574	5209190090	1.1455	1.3574	5211490090	0.6873	0.8145
5208192020	1.1455	1.3574	5209210090	1.1455	1.3574	5211590025	0.6873	0.8145
5208192090	1.1455	1.3574	5209220020	1.1455	1.3574	5212146090	0.9164	1.0859
5208194020	1.1455	1.3574	5209220040	1.1455	1.3574	5212156020	0.9164	1.0859
5208194090	1.1455	1.3574	5209290040	1.1455	1.3574	5212216090	0.9164	1.0859
5208196020	1.1455	1.3574	5209290090	1.1455	1.3574	5509530030	0.5556	0.6584
5208196090	1.1455	1.3574	5209313000	1.1455	1.3574	5509530060	0.5556	0.6584
5208224040	1.1455	1.3574	5209316020	1.1455	1.3574	5513110020	0.4009	0.4751
5208224090	1.1455	1.3574	5209316035	1.1455	1.3574	5513110040	0.4009	0.4751
5208226020	1.1455	1.3574	5209316050	1.1455	1.3574	5513110060	0.4009	0.4751
5208226060	1.1455	1.3574	5209316090	1.1455	1.3574	5513110090	0.4009	0.4751
5208228020	1.1455	1.3574	5209320020	1.1455	1.3574	5513120000	0.4009	0.4751
5208230000	1.1455	1.3574	5209320040	1.1455	1.3574	5513130020	0.4009	0.4751
5208292020	1.1455	1.3574	5209390020	1.1455	1.3574	5513210020	0.4009	0.4751
5208292090	1.1455	1.3574	5209390040	1.1455	1.3574	5513310000	0.4009	0.4751
5208294090	1.1455	1.3574	5209390060	1.1455	1.3574	5514120020	0.4009	0.4751
5208296090	1.1455	1.3574	5209390080	1.1455	1.3574	5516420060	0.4009	0.4751
5208298020	1.1455	1.3574	5209390090	1.1455	1.3574	5516910060	0.4009	0.4751
5208312000	1.1455	1.3574	5209413000	1.1455	1.3574	5516930090	0.4009	0.4751
5208321000	1.1455	1.3574	5209416020	1.1455	1.3574	5601210010	1.1455	1.3574
5208323020	1.1455	1.3574	5209416040	1.1455	1.3574	5601210090	1.1455	1.3574
5208323040	1.1455	1.3574	5209420020	1.0309	1.2216	5601300000	1.1455	1.3574
5208323090	1.1455	1.3574	5209420040	1.0309	1.2216	5602109090	0.5727	0.6786
5208324020	1.1455	1.3574	5209430030	1.1455	1.3574	5602290000	1.1455	1.3574
5208324040	1.1455	1.3574	5209430050	1.1455	1.3574	5602906000	0.526	0.6233
5208325020	1.1455	1.3574	5209490020	1.1455	1.3574	5604900000	0.5556	0.6584
5208330000	1.1455	1.3574	5209490090	1.1455	1.3574	5607902000	0.8889	1.0533
5208392020	1.1455	1.3574	5209516035	1.1455	1.3574	5608901000	1.1111	1.3167
5208392090	1.1455	1.3574	5209516050	1.1455	1.3574	5608902300	1.1111	1.3167
5208394090	1.1455	1.3574	5209520020	1.1455	1.3574	5609001000	1.1111	1.3167
5208396090	1.1455	1.3574	5209590025	1.1455	1.3574	5609004000	0.5556	0.6584
5208398020	1.1455	1.3574	5209590040	1.1455	1.3574	5701104000	0.0556	0.0659
5208412000	1.1455	1.3574	5209590090	1.1455	1.3574	5701109000	0.1111	0.1317
5208416000	1.1455	1.3574	5210114020	0.6873	0.8145	5701901010	1.0444	1.2376
5208418000	1.1455	1.3574	5210114040	0.6873	0.8145	5702109020	1.1	1.3035
5208421000	1.1455	1.3574	5210116020	0.6873	0.8145	5702312000	0.0778	0.0922
5208423000	1.1455	1.3574	5210116040	0.6873	0.8145	5702411000	0.0722	0.0856
5208424000	1.1455	1.3574	5210116060	0.6873	0.8145	5702412000	0.0778	0.0922
5208425000	1.1455	1.3574	5210118020	0.6873	0.8145	5702421000	0.0778	0.0922

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. fact.	Cents/kg.	HTS No.	Conv. fact.	Cents/kg.	HTS No.	Conv. fact.	Cents/kg.
5702913000	0.0889	0.1053	6105100010	0.985	1.1672	6111205000	1.0064	1.1926
5702991010	1.1111	1.3167	6105100020	0.985	1.1672	6111206010	1.0064	1.1926
5702991090	1.1111	1.3167	6105100030	0.985	1.1672	6111206020	1.0064	1.1926
5703900000	0.4489	0.5319	6105202010	0.3078	0.3647	6111206030	1.0064	1.1926
5801210000	1.1455	1.3574	6105202030	0.3078	0.3647	6111206040	1.0064	1.1926
5801230000	1.1455	1.3574	6106100010	0.985	1.1672	6111305020	0.2516	0.2981
5801250010	1.1455	1.3574	6106100020	0.985	1.1672	6111305040	0.2516	0.2981
5801250020	1.1455	1.3574	6106100030	0.985	1.1672	6112110050	0.7548	0.8944
5801260020	1.1455	1.3574	6106202010	0.3078	0.3647	6112120010	0.2516	0.2981
5802190000	1.1455	1.3574	6106202030	0.3078	0.3647	6112120030	0.2516	0.2981
5802300030	0.5727	0.6786	6107110010	1.1322	1.3417	6112120040	0.2516	0.2981
5804291000	1.1455	1.3574	6107110020	1.1322	1.3417	6112120050	0.2516	0.2981
5806200010	0.3534	0.4188	6107120010	0.5032	0.5963	6112120060	0.2516	0.2981
5806200090	0.3534	0.4188	6107210010	0.8806	1.0435	6112390010	1.1322	1.3417
5806310000	1.1455	1.3574	6107220015	0.3774	0.4472	6112490010	0.9435	1.118
5806400000	0.4296	0.5091	6107220025	0.3774	0.4472	6114200005	0.9002	1.0667
5808107000	0.5727	0.6786	6107910040	1.2581	1.4908	6114200010	0.9002	1.0667
5808900010	0.5727	0.6786	6108210010	1.2445	1.4747	6114200015	0.9002	1.0667
5811002000	1.1455	1.3574	6108210020	1.2445	1.4747	6114200020	1.286	1.5239
6001106000	1.1455	1.3574	6108310010	1.1201	1.3273	6114200040	0.9002	1.0667
6001210000	0.8591	1.018	6108310020	1.1201	1.3273	6114200046	0.9002	1.0667
6001220000	0.2864	0.3394	6108320010	0.2489	0.2949	6114200052	0.9002	1.0667
6001910010	0.8591	1.018	6108320015	0.2489	0.2949	6114200060	0.9002	1.0667
6001910020	0.8591	1.018	6108320025	0.2489	0.2949	6114301010	0.2572	0.3048
6001920020	0.2864	0.3394	6108910005	1.2445	1.4747	6114301020	0.2572	0.3048
6001920030	0.2864	0.3394	6108910015	1.2445	1.4747	6114303030	0.2572	0.3048
6001920040	0.2864	0.3394	6108910025	1.2445	1.4747	6115198010	1.0417	1.2344
6002203000	0.8681	1.0287	6108910030	1.2445	1.4747	6115929000	1.0417	1.2344
6002206000	0.2894	0.3429	6108920030	0.2489	0.2949	6115936020	0.2315	0.2743
6002420000	0.8681	1.0287	6109100005	0.9956	1.1798	6116101300	0.3655	0.4331
6002430010	0.2894	0.3429	6109100007	0.9956	1.1798	6116101720	0.8528	1.0106
6002430080	0.2894	0.3429	6109100009	0.9956	1.1798	6116926420	1.0965	1.2994
6002921000	1.1574	1.3715	6109100012	0.9956	1.1798	6116926430	1.2183	1.4437
6002930040	0.1157	0.1371	6109100014	0.9956	1.1798	6116926440	1.0965	1.2994
6002930080	0.1157	0.1371	6109100018	0.9956	1.1798	6116928800	1.0965	1.2994
6101200010	1.0094	1.1961	6109100023	0.9956	1.1798	6117809510	0.9747	1.155
6101200020	1.0094	1.1961	6109100027	0.9956	1.1798	6117809540	0.3655	0.4331
6102200010	1.0094	1.1961	6109100037	0.9956	1.1798	6201121000	0.948	1.1234
6102200020	1.0094	1.1961	6109100040	0.9956	1.1798	6201122010	0.8953	1.0609
6103421020	0.8806	1.0435	6109100045	0.9956	1.1798	6201122050	0.6847	0.8114
6103421040	0.8806	1.0435	6109100060	0.9956	1.1798	6201122060	0.6847	0.8114
6103421050	0.8806	1.0435	6109100065	0.9956	1.1798	6201134030	0.2633	0.312
6103421070	0.8806	1.0435	6109100070	0.9956	1.1798	6201921000	0.9267	1.0981
6103431520	0.2516	0.2981	6109901007	0.3111	0.3687	6201921500	1.1583	1.3726
6103431540	0.2516	0.2981	6109901009	0.3111	0.3687	6201922010	1.0296	1.2201
6103431550	0.2516	0.2981	6109901049	0.3111	0.3687	6201922021	1.2871	1.5252
6103431570	0.2516	0.2981	6109901050	0.3111	0.3687	6201922031	1.2871	1.5252
6104220040	0.9002	1.0667	6109901060	0.3111	0.3687	6201922041	1.2871	1.5252
6104220060	0.9002	1.0667	6109901065	0.3111	0.3687	6201922051	1.0296	1.2201
6104320000	0.9207	1.091	6109901090	0.3111	0.3687	6201922061	1.0296	1.2201
6104420010	0.9002	1.0667	6110202005	1.1837	1.4027	6201931000	0.3089	0.366
6104420020	0.9002	1.0667	6110202010	1.1837	1.4027	6201933511	0.2574	0.305
6104520010	0.9312	1.1035	6110202015	1.1837	1.4027	6201933521	0.2574	0.305
6104520020	0.9312	1.1035	6110202020	1.1837	1.4027	6201999060	0.2574	0.305
6104622006	0.8806	1.0435	6110202025	1.1837	1.4027	6202121000	0.9372	1.1106
6104622011	0.8806	1.0435	6110202030	1.1837	1.4027	6202122010	1.1064	1.3111
6104622016	0.8806	1.0435	6110202035	1.1837	1.4027	6202122025	1.3017	1.5425
6104622021	0.8806	1.0435	6110202040	1.1574	1.3715	6202122050	0.8461	1.0026
6104622026	0.8806	1.0435	6110202045	1.1574	1.3715	6202122060	0.8461	1.0026
6104622028	0.8806	1.0435	6110202065	1.1574	1.3715	6202134005	0.2664	0.3157
6104622030	0.8806	1.0435	6110202075	1.1574	1.3715	6202134020	0.333	0.3946
6104622060	0.8806	1.0435	6110909022	0.263	0.3117	6202921000	1.0413	1.2339
6104632006	0.3774	0.4472	6110909024	0.263	0.3117	6202921500	1.0413	1.2339
6104632011	0.3774	0.4472	6110909030	0.3946	0.4676	6202922026	1.3017	1.5425
6104632026	0.3774	0.4472	6110909040	0.263	0.3117	6202922061	1.0413	1.2339
6104632028	0.3774	0.4472	6110909042	0.263	0.3117	6202922071	1.0413	1.2339
6104632030	0.3774	0.4472	6111201000	1.2581	1.4908	6202931000	0.3124	0.3702
6104632060	0.3774	0.4472	6111202000	1.2581	1.4908	6202935011	0.2603	0.3085
6104692030	0.3858	0.4572	6111203000	1.0064	1.1926	6202935021	0.2603	0.3085

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. fact.	Cents/kg.	HTS No.	Conv. fact.	Cents/kg.	HTS No.	Conv. fact.	Cents/kg.
6203122010	0.1302	0.1543	6204633510	0.2546	0.3017	6211320030	0.9763	1.1569
6203221000	1.3017	1.5425	6204633530	0.2546	0.3017	6211320060	0.9763	1.1569
6203322010	1.2366	1.4654	6204633532	0.2437	0.2888	6211320070	0.9763	1.1569
6203322040	1.2366	1.4654	6204633540	0.2437	0.2888	6211330010	0.3254	0.3856
6203332010	0.1302	0.1543	6204692510	0.249	0.2951	6211330030	0.3905	0.4627
6203392010	1.1715	1.3882	6204692540	0.2437	0.2888	6211330035	0.3905	0.4627
6203399060	0.2603	0.3085	6204699044	0.249	0.2951	6211330040	0.3905	0.4627
6203422010	0.9961	1.1804	6204699046	0.249	0.2951	6211420010	1.0413	1.2339
6203422025	0.9961	1.1804	6204699050	0.249	0.2951	6211420020	1.0413	1.2339
6203422050	0.9961	1.1804	6205202015	0.9961	1.1804	6211420025	1.1715	1.3882
6203422090	0.9961	1.1804	6205202020	0.9961	1.1804	6211420060	1.0413	1.2339
6203424005	1.2451	1.4754	6205202025	0.9961	1.1804	6211420070	1.1715	1.3882
6203424010	1.2451	1.4754	6205202030	0.9961	1.1804	6211430010	0.2603	0.3085
6203424015	0.9961	1.1804	6205202035	1.1206	1.3279	6211430030	0.2603	0.3085
6203424020	1.2451	1.4754	6205202046	0.9961	1.1804	6211430040	0.2603	0.3085
6203424025	1.2451	1.4754	6205202050	0.9961	1.1804	6211430050	0.2603	0.3085
6203424030	1.2451	1.4754	6205202060	0.9961	1.1804	6211430060	0.2603	0.3085
6203424035	1.2451	1.4754	6205202065	0.9961	1.1804	6211430066	0.2603	0.3085
6203424040	0.9961	1.1804	6205202070	0.9961	1.1804	6212105020	0.2412	0.2858
6203424045	0.9961	1.1804	6205202075	0.9961	1.1804	6212109010	0.9646	1.1431
6203424050	0.9238	1.0947	6205302010	0.3113	0.3689	6212109020	0.2412	0.2858
6203424055	0.9238	1.0947	6205302030	0.3113	0.3689	6212200020	0.3014	0.3572
6203424060	0.9238	1.0947	6205302040	0.3113	0.3689	6212900030	0.1929	0.2286
6203431500	0.1245	0.1475	6205302050	0.3113	0.3689	6213201000	1.1809	1.3994
6203434010	0.1232	0.146	6205302070	0.3113	0.3689	6213202000	1.0628	1.2594
6203434020	0.1232	0.146	6205302080	0.3113	0.3689	6213901000	0.4724	0.5598
6203434030	0.1232	0.146	6206100040	0.1245	0.1475	6214900010	0.9043	1.0716
6203434040	0.1232	0.146	6206303010	0.9961	1.1804	6216000800	0.2351	0.2786
6203498045	0.249	0.2951	6206303020	0.9961	1.1804	6216001720	0.6752	0.8001
6204132010	0.1302	0.1543	6206303030	0.9961	1.1804	6216003800	1.2058	1.4289
6204192000	0.1302	0.1543	6206303040	0.9961	1.1804	6216004100	1.2058	1.4289
6204198090	0.2603	0.3085	6206303050	0.9961	1.1804	6217109510	1.0182	1.2066
6204221000	1.3017	1.5425	6206303060	0.9961	1.1804	6217109530	0.2546	0.3017
6204223030	1.0413	1.2339	6206403010	0.3113	0.3689	6301300010	0.8766	1.0388
6204223040	1.0413	1.2339	6206403030	0.3113	0.3689	6301300020	0.8766	1.0388
6204223050	1.0413	1.2339	6206900040	0.249	0.2951	6302100010	1.1689	1.3851
6204223060	1.0413	1.2339	6207110000	1.0852	1.286	6302215010	0.8182	0.9696
6204223065	1.0413	1.2339	6207199010	0.3617	0.4286	6302215020	0.8182	0.9696
6204292040	0.3254	0.3856	6207210010	1.1085	1.3136	6302217010	1.1689	1.3851
6204322010	1.2366	1.4654	6207210030	1.1085	1.3136	6302217020	1.1689	1.3851
6204322030	1.0413	1.2339	6207220000	0.3695	0.4379	6302217050	1.1689	1.3851
6204322040	1.0413	1.2339	6207911000	1.1455	1.3574	6302219010	0.8182	0.9696
6204423010	1.2728	1.5083	6207913010	1.1455	1.3574	6302219020	0.8182	0.9696
6204423030	0.9546	1.1312	6207913020	1.1455	1.3574	6302219050	0.8182	0.9696
6204423040	0.9546	1.1312	6208210010	1.0583	1.2541	6302222010	0.4091	0.4848
6204423050	0.9546	1.1312	6208210020	1.0583	1.2541	6302222020	0.4091	0.4848
6204423060	0.9546	1.1312	6208220000	0.1245	0.1475	6302313010	0.8182	0.9696
6204522010	1.2654	1.4995	6208911010	1.1455	1.3574	6302313050	1.1689	1.3851
6204522030	1.2654	1.4995	6208911020	1.1455	1.3574	6302315050	0.8182	0.9696
6204522040	1.2654	1.4995	6208913010	1.1455	1.3574	6302317010	1.1689	1.3851
6204522070	1.0656	1.2627	6209201000	1.1577	1.3719	6302317020	1.1689	1.3851
6204522080	1.0656	1.2627	6209203000	0.9749	1.1553	6302317040	1.1689	1.3851
6204533010	0.2664	0.3157	6209205030	0.9749	1.1553	6302317050	1.1689	1.3851
6204594060	0.2664	0.3157	6209205035	0.9749	1.1553	6302319010	0.8182	0.9696
6204622010	0.9961	1.1804	6209205040	1.2186	1.444	6302319040	0.8182	0.9696
6204622025	0.9961	1.1804	6209205045	0.9749	1.1553	6302319050	0.8182	0.9696
6204622050	0.9961	1.1804	6209205050	0.9749	1.1553	6302322020	0.4091	0.4848
6204624005	1.2451	1.4754	6209303020	0.2463	0.2919	6302322040	0.4091	0.4848
6204624010	1.2451	1.4754	6209303040	0.2463	0.2919	6302402010	0.9935	1.1773
6204624020	0.9961	1.1804	6210109010	0.2291	0.2715	6302511000	0.5844	0.6925
6204624025	1.2451	1.4754	6210403000	0.0391	0.0463	6302512000	0.8766	1.0388
6204624030	1.2451	1.4754	6210405020	0.4556	0.5399	6302513000	0.5844	0.6925
6204624035	1.2451	1.4754	6211111010	0.1273	0.1509	6302514000	0.8182	0.9696
6204624040	1.2451	1.4754	6211111020	0.1273	0.1509	6302600010	1.1689	1.3851
6204624045	0.9961	1.1804	6211118010	1.1455	1.3574	6302600020	1.052	1.2466
6204624050	0.9961	1.1804	6211118020	1.1455	1.3574	6302600030	1.052	1.2466
6204624055	0.9854	1.1677	6211320007	0.8461	1.0026	6302910005	1.052	1.2466
6204624060	0.9854	1.1677	6211320010	1.0413	1.2339	6302910015	1.1689	1.3851
6204624065	0.9854	1.1677	6211320015	1.0413	1.2339	6302910025	1.052	1.2466

IMPORT ASSESSMENT TABLE—
Continued
[Raw cotton fiber]

HTS No.	Conv. fact.	Cents/kg.
6302910035	1.052	1.2466
6302910045	1.052	1.2466
6302910050	1.052	1.2466
6302910060	1.052	1.2466
6303110000	0.9448	1.1196
6303910000	0.6429	0.7618
6304111000	1.0629	1.2595
6304190500	1.052	1.2466
6304191000	1.1689	1.3851
6304191500	0.4091	0.4848
6304192000	0.4091	0.4848
6304910020	0.9351	1.1081
6304920000	0.9351	1.1081
6505901540	1.181	1.3995
6505902060	0.9935	1.1773
6505902545	0.5844	0.6925

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Dated: May 15, 1998.

Mary E. Atienza,

Deputy Administrator, Cotton Programs.

[FR Doc. 98-13525 Filed 5-20-98; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 3, 240, 245, 274a and 299

[INS NO. 1893-97; AG Order No. 2154-98]

RIN 1115-AF04

Adjustment of Status for Certain Nationals of Nicaragua and Cuba

AGENCY: Immigration and Naturalization Service, Justice, and Executive Office for Immigration Review, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements section 202 of the Nicaragua Adjustment and Central American Relief Act (NACARA) by establishing procedures for certain nationals of Nicaragua and Cuba who have been residing in the United States to become lawful permanent residents of this country. This rule allows them to obtain lawful permanent resident status without applying for an immigrant visa at a United States consulate abroad and waives many of the usual requirements for this benefit.

DATES: *Effective date:* This interim rule is effective June 22, 1998.

Comment date: Comments must be submitted on or before July 20, 1998.

ADDRESSES: Please submit written comments, original and two copies, to

the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW, Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS No. 1893-97 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514-3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT:

*For matters relating to the Immigration and Naturalization Service—*Suzy Nguyen, Adjudications Officer, Office of Adjudications, Immigration and Naturalization Service, 425 I Street NW, Room 3214, Washington, DC 20536, telephone (202) 514-5014; *For matters relating to the Executive Office for Immigration Review—*Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, 5107 Leesbury Pike, Suite 2400, Falls Church, VA 22041, telephone (703) 305-0470.

SUPPLEMENTARY INFORMATION:

How Does Section 202 of NACARA Affect Nicaraguan and Cuban Nationals?

The Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted as title II of the District of Columbia Appropriations Act, 1998, Pub. L. 105-100 (111 Stat. 2160, 2193), was signed into law on November 19, 1997. As amended, section 202 of NACARA allows certain Nicaragua and Cuban nationals who are physically present in the United States to adjust status to that of lawful permanent resident. In order to be eligible for benefits under NACARA, an applicant must be a national of Nicaragua or Cuba; must be admissible to the United States under all provisions of section 212(a) of the Immigration and Nationality Act (the Act), other than those provisions specifically excepted by NACARA; must have been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment is filed (not counting absences totaling 180 days or less); and must properly file an application before April 1, 2000. In addition, certain family members of NACARA beneficiaries are also eligible for adjustment of status under NACARA.

What Are the Benefits of NACARA?

An alien seeking adjustment of status under NACARA is not subject to a number of the requirements to which aliens seeking adjustment under section 245 of the Act may be subject.

First, a NACARA applicant is not required to have been inspected and

admitted or paroled into the United States.

Second, a NACARA applicant is not subject to any of the barriers to adjustment contained in section 245(c) of the Act (e.g., the bars against aliens who have accepted or continued in unauthorized employment, aliens who remained in the United States longer than authorized, and aliens admitted as crewmen, in transmit without visa, or under the visa waiver pilot program). Consequently, an alien who would otherwise be ineligible under section 245(c) may apply for adjustment under NACARA.

Third, NACARA applicants are not subject to the immigrant visa preference system requirements contained in sections 201 and 202 of the Act. Hence, neither the worldwide quota restrictions nor the per-country quota restrictions apply.

Fourth, applicants need not demonstrate that they are not inadmissible under paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Act in order to adjust status under section 202 of Public Law 105-100. Accordingly, NACARA allows an otherwise qualified applicant to adjust status under NACARA notwithstanding inadmissibility for likelihood of becoming a public charge, for failure to obtain a labor certification, for failure to meet certain requirements applicable to foreign-trained physicians, for failure to meet certain standards for foreign health-care workers, for entering or remaining in the country illegally, for violating documentary requirements relating to entry as an immigrant, or for accruing more than 180 days of unlawful presence prior to the alien's last departure or removal.

Fifth, unlike those seeking to adjust status under other provisions of law, a NACARA applicant who has been paroled into the United States and is now in exclusion or removal proceedings before an immigration judge is not barred from filing an application for adjustment of status under the provisions of NACARA while in such proceedings.

What Are the NACARA Requirements Regarding Continuous Physical Presence in the United States

Under the terms of NACARA, eligible applicants must have been physically present in the United States continuously since December 1, 1995. However, they may have been outside of the United States for periods not to exceed 180 days in the aggregate between December 1, 1995, and the date of adjustment of status. A NACARA applicant shall not be considered to