

January 5, 2010

MEMORANDUM FOR: Directors, Field Operations
Assistant Directors, Trade, Field Operations
Office of Field Operations

FROM: Acting Executive Director, Trade Policy and Programs
Office of International Trade

SUBJECT: TBT-10-001 Presidential Proclamation 8468 – Certain Actions
Under the African Growth and Opportunity Act (AGOA)

REFERENCE: TBT-01-008 AGOA Implementation Instructions
TBT-01-017 Madagascar Textile Visa Arrangement for Claims
Under the AGOA
TBT-03-039 Niger Textile Visa Arrangement for Claims Under the
AGOA

BACKGROUND:

Presidential Proclamation 8468 was signed December 23, 2009, and published in the *Federal Register* (74 FR 69229) on December 30, 2009. This proclamation takes certain actions under the African Growth Opportunity Act (AGOA):

- 1.) Pursuant to section 506A(a)(3) of the Trade Act of 1974, the President has determined that Republic of Madagascar (Madagascar) and the Republic of Niger (Niger) are not making continual progress in meeting the requirements described in the Act and therefore has terminated their AGOA designation effective January 1, 2010.
- 2.) Pursuant to section 104 of the AGOA and section 506A(a)(1) of the Trade Act of 1974, the President has designated the Islamic Republic of Mauritania (Mauritania) as an eligible sub-Saharan African country and a beneficiary sub-Saharan African country. Additionally, Mauritania satisfies the criterion for treatment as a lesser developed beneficiary sub-Saharan African country (LDBC) under section 112(c) of the AGOA, but is not yet eligible for textile and apparel benefits until it negotiates a visa arrangement.

ACTION:

Effective January 1, 2010, goods from Madagascar and Niger are no longer eligible for preferential treatment under AGOA. Apparel from these countries can no longer be entered under any of the AGOA provisions found in note 2(d) to subchapter XIX of chapter 98 of the Harmonized Tariff Schedule (HTS).

The necessary ACS programming changes are in process. The quota records will be adjusted to disallow AGOA quota processing for these two countries under HTS 9819.11.09 and 9819.11.12.

With regard to Mauritania, although it has been designated as an eligible sub-Saharan African country, claims for preferential treatment on textiles can not be made until the country has established an effective visa system and has implemented and follows, or is making progress toward implementing and following, certain customs procedures that assist the U.S. Customs and Border Protection (CBP) in verifying the origin of the products. Once these requirements have been met another TBT will be issued providing details on the visa requirements.

Please pass this administrative message to Port Directors, Assistant Port Directors, Import Specialists, CBP Officers, Entry Specialists, Brokers, Importers and Other Interested Parties.

INFORMATION:

If you have any questions concerning this notice, please call Import Specialist Jacqueline Sprungle, at (202) 863-6517, Import Specialist Nancy Mondich, at (202) 863-6524, or Chief, Textile Operations Branch Robert Abels, at (202) 863-6503.

/s/

Stephen Hilsen

cc: National Import Specialists, Office of International Trade
International Trade Specialists, Office of International Trade
Policy and Planning Division, Office of International Affairs