

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Limitation of Duty-free Imports of Apparel Articles Assembled in Haiti under the Haitian Hemispheric Opportunity Through Partnership for Encouragement Act (HOPE)

December 12, 2008.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notification of Annual Quantitative Limit on Certain Apparel under HOPE

EFFECTIVE DATE: December 18, 2008.

FOR FURTHER INFORMATION CONTACT: Maria Dyczak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3651.

SUPPLEMENTARY INFORMATION:

Authority: The Caribbean Basin Recovery Act ("CBERA"), as amended by the Haitian Hemispheric Opportunity Through Partnership for Encouragement Act of 2006 (collectively, "HOPE"), Title V of the Tax Relief and Health Care Act of 2006 and the Food, Conservation, and Energy Act of 2008 ("HOPE II"); and Presidential Proclamation No. 8114, 72 Fed. Reg. 13655, 13659 (March 22, 2007) ("Proclamation").

HOPE provides for duty-free treatment for certain apparel articles imported directly from Haiti. Section 213A (b)(1)(B) of HOPE outlines the requirements for certain apparel articles to qualify for duty-free treatment under a "value-added" program. In order to qualify for duty-free treatment, apparel articles must be wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns, as long as the sum of the cost or value of materials produced in Haiti or one or more countries, as described in HOPE, or any combination thereof, plus the direct costs of processing operations performed in Haiti or one or more countries, as described in HOPE, or any combination thereof, is not less than an applicable percentage of the declared customs value of such apparel articles. For the period December 20, 2008 through December 19, 2009, the applicable percentage is 50 percent.

For every twelve month period following the effective date of HOPE, duty-free treatment under the value-added program is subject to a quantitative limitation, HOPE provides that the quantitative limitation will be recalculated for each subsequent 12-month period. Section 213A (b)(1)(C) of HOPE, as amended by HOPE II, requires

that, for the twelve-month period beginning on December 20, 2008, the quantitative limitation for qualifying apparel imported from Haiti under the value-added program will be an amount equivalent to 1.25 percent of the aggregate square meter equivalent of all apparel articles imported into the United States in the most recent 12-month period for which data are available.

For purposes of this notice, the most recent 12-month period for which data are available as of December 20, 2008 is the 12-month period ending on October 31, 2008. Therefore, for the one-year period beginning on December 20, 2008 and extending through December 19, 2009, the quantity of imports eligible for preferential treatment under the value-added program is 305,093,845 square meters equivalent. Apparel articles entered in excess of these quantities will be subject to otherwise applicable tariffs.

These quantities are calculated using the aggregate square meters equivalent of all apparel articles imported into the United States, derived from the set of Harmonized System lines listed in the Annex to the World Trade Organization Agreement on Textiles and Clothing ("ATC"), and the conversion factors for units of measure into square meter equivalents used by the United States in implementing the ATC.

Janet E. Heinzen,

Acting Chairman, Committee for the Implementation of Textile Agreements.

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COMMODITY FUTURES TRADING COMMISSION

Order: (1) Pursuant to Section 4(c) of the Commodity Exchange Act (a) Permitting Eligible Swap Participants To Submit for Clearing and ICE Clear U.S., Inc. and Futures Commission Merchants To Clear Certain Over-The-Counter Agricultural Swaps and (b) Determining Certain Floor Brokers and Traders To Be Eligible Swap Participants; and (2) Pursuant to Section 4d of the Commodity Exchange Act, Permitting Certain Customer Positions in the Foregoing Swaps and Associated Property To Be Commingled With Other Property Held in Segregated Accounts

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: On December 7, 2007, the Commodity Futures Trading

Commission ("CFTC" or "Commission") published for public comment requests (a) to permit ICE Clear U.S., Inc. ("ICE Clear") to clear certain over-the-counter ("OTC") swap contracts and (b) to determine that certain ICE Futures U.S., Inc. ("ICE Futures") floor brokers and traders are Eligible Swap Participants ("ESPs") for the purpose of trading those OTC swaps ("Notice").¹ On January 7, 2008, the comment period was extended to February 6, 2008.² ICE Clear also filed a request for an order pursuant to Section 4d of the Commodity Exchange Act ("CEA" or "Act") to allow ICE Clear and Futures Commission Merchants ("FCMs") clearing through ICE Clear to commingle positions in those cleared OTC swap contracts and property supporting those positions with property and positions otherwise required to be held in customer segregated accounts. That request was published on the CFTC's Web site for public comment during the same timeframe with the same comment deadline. The Commission has reviewed the comments made in response to the requests for comment and the entire record in this matter and has determined to issue an order granting the requests.

DATES: *Effective Date:* December 12, 2008.

FOR FURTHER INFORMATION CONTACT: Lois J. Gregory, Special Counsel, 816-960-7719, lgregory@cftc.gov, or Robert B. Wasserman, Associate Director, 202-418-5092, rwasserman@cftc.gov, Division of Clearing and Intermediary Oversight; or Duane C. Andresen, Senior Special Counsel, 202-418-5492, dandresen@cftc.gov, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1151 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. The ICE Clear 4(c) Petition

ICE Clear, the clearing organization for ICE Futures, sought to offer ESPs who enter into certain bilateral swap transactions involving coffee, sugar, or cocoa the opportunity to submit them to ICE Clear for clearing. ICE Clear represented that swap transactions in various agricultural products, including coffee, sugar, and cocoa, currently trade in OTC markets exempt from provisions of the CEA pursuant to Part 35 of the Commission's regulations,³ that these swap agreements are commonly entered

¹ 72 FR 68862 (December 7, 2007).

² 73 FR 1205 (January 7, 2008).

³ 17 CFR Part 35.